



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

A 450916





THE
Parliaments and Councils
OF
England,

CHRONOLOGICALLY ARRANGED,

FROM THE REIGN OF WILLIAM I.

TO

THE REVOLUTION IN 1688.

DEDICATED, BY PERMISSION,

TO HER MAJESTY.

LONDON :

JOHN MURRAY, ALBEMARLE STREET.

MDCCCXXXIX.

JN
508
126

Ref-Stacks

Harding

11-26-51

76649

TO HER MOST EXCELLENT MAJESTY

THE QUEEN.

MADAM,

THE condescension with which Your Majesty has been graciously pleased to sanction this first attempt to place in the hands of all Your Majesty's Subjects, a Digest of the Records which relate to the Parliamentary and Constitutional History of our Country, calls forth my warmest acknowledgments.

At a Period, when, under the blessings of a continued peace, Knowledge is diffusing itself amongst all Classes of the Community, and when, by British energy and intelligence, the Sciences and Arts are making unexampled progress, it has been regretted that this important branch of our Historical Literature should have received little attention, and that the means of attaining authentic Constitutional

information, should, therefore, still be inaccessible to a great majority of the Inhabitants of these Realms.

It is hoped, that, by abridging the labour of research, the following Exposition of the Records which illustrate our Parliamentary History, may facilitate the acquisition of sound Political Knowledge, and that an acquaintance with the Principles and Practice of the British Constitution, may tend to give stability to Your Majesty's Throne, and to sustain the Prosperity and Magnificence, which, during so many Centuries, have distinguished the British Empire.

That it may please the Sovereign Ruler of the Universe to grant Your Majesty a long and prosperous Reign, and that, by the exercise of those Personal Virtues which are hailed and acknowledged by all Your Majesty's loyal Subjects, it may be permitted You to promote the substantial welfare and glory of Your People, and Your own enduring Happiness and Renown, is, Madam, the earnest Prayer of



Your Majesty's

Most obedient and devoted Servant,

CHARLES HENRY PARRY.

Summer Hill, Bath, 1839.

PREFACE.

“*PARLIAMENTARIA Scientia quærenda ab omnibus, incognita multis.*” The lapse of more than two centuries has not diminished the force of either of these Propositions advanced by Sir Edward Coke. It will scarcely be denied, that, in these times, such knowledge is desirable, or that upon few subjects of general interest, is the want of it more conspicuous, than in questions connected with the origin and developement of the Constitutional History of our own Country.

This ignorance may generally be ascribed to one of two causes, either to a conceit which does not prevail to the same extent in any other department of inquiry, or to the difficulty of obtaining information on a subject of unquestionable importance.

It was a saying of Socrates, that though no man undertakes a trade which he has not learned, in that of Government, the hardest of all trades, every one considers himself sufficiently qualified by the gifts which he has received from nature. It is no less true, in our own days, that, though in all other sciences and in every mechanical art, a long experience and much industry are considered necessary for the attainment of a moderate degree of excellence, in the difficult science of Legislation, these means are not unfrequently neglected in the pursuit of the same end. Hence it happens that many incompetent Persons, fancying themselves endowed with talents, which instinctively fit them for immediate action, enter, with confidence, upon the business of Legislation; and

that others, under the impulse of caprice or prepossession, exercise the responsible function of determining by their votes, the merits of those who are to be the Framers of Constitutional Enactments.

To this unfavourable combination of circumstances, may be traced numberless errors, which have proved the abundant source of national misfortunes.

If, however, these observations are generally true and important, it must also be acknowledged that, in no period of our History, have intelligence and correct information been more necessary, than in the days in which we live. At no previous moment, has the want of preparatory acquirements been more calculated to produce extensive mischief, than under the changes which have been recently introduced in the Political relations of the People. By the extension of their Privileges, they have been compelled suddenly to decide upon measures which very intimately affect their own welfare, and the common prosperity of the Empire. They have been called upon to express their sentiments on Public Affairs, and by their conduct, to determine the most influential consequences. It can scarcely excite surprise, that under these newly-acquired Powers, and labouring under some degree of unavoidable ignorance as to the nature of that Constitution, which they are bound to protect and support, they should sometimes commit errors of speculation and practice : or, that in the selection of those, who are to represent their unrestrained feelings and opinions, they should sometimes be disposed to seek, as the only security for the discharge of complicated and momentous duties, the pledge given to a particular Party, to pursue, at all events, a prescribed line of conduct, whether consistent, or otherwise, with the permanent and enduring interests of the Commonwealth.

Can it, indeed, be fairly expected that Persons so circumstanced, should follow the advice of Lord Bacon, "*Ut cum*

calculis suffragiorum, sumant magnanimitatem Reipublicæ;" put off private considerations, and raise their thoughts to the Public State; or, at the sacrifice of their imaginary interests, adopt, universally, "the scheme of policy which the Public interest requires?"

That such a state of things may exist without any very heavy imputation on a numerous class of individuals, who are placed under great disadvantages, may, perhaps, be easily conceded. Neither can it be denied, that the removal of this twofold source of error would materially tend to the increase of political prudence, and to a caution more conservative of our valuable Institutions. It appears, indeed, sufficiently desirable that the presumption against Constitutional knowledge should no longer be tolerated, and that increased facilities for its attainment should be offered to those, who otherwise must often decide in ignorance of their actual position, and their relative obligations.

That the Parliamentary History of England is, at present, a sealed Book to the Community of these Kingdoms, will not be disputed by those who, in the search after precise Constitutional information, have had occasion to refer to the voluminous collections of the original Records, or to those of the contemporary Historians, the only sources from which authentic materials for such an inquiry can safely be derived. The opportunity of consulting these documents, is extremely rare, and many advantages must concur to render such an opportunity available. Beyond the Metropolis, few Public or Private Libraries contain a series so extensive and costly; and presuming that a facility of reference does exist, our researches can only be prosecuted under an unlimited command of leisure, and by the application of an unremitting industry and attention. (a) To these impediments may be added, in many

(a) The great advantages, with regard to literary pursuits, which result

instances, a disregard of the pecuniary sacrifice which must attend the possession of many indispensable, but highly expensive volumes.

A brief Review of the Authorities to which a reference must be made by those who would obtain accurate Parliamentary data, will shew that the difficulties are not exaggerated, under which investigations of this nature must now be conducted. Such a Summary will tend, also, to remove any wonder, that error should often occupy the place of correct knowledge, that assumptions at variance with the facts of History, should, sometimes, be adopted as undoubted truths, and that conclusions not sanctioned by a correct and comprehensive view of historical relations, should be maintained as legitimate and applicable rules of political conduct.

The authorized Sources of all Constitutional information may be divided into Four Classes.

First, the Original Records themselves, "the authentic and uncontrollable testimonies in writing, contained in Rolls of Parchment, and preserved in Courts of Record;" "*Vetustatis et Veritatis Vestigia*."

Secondly, the ancient and contemporary Historians.

Thirdly, the Collections derived from these Sources; and

Fourthly, Separate Treatises, Manuscript or otherwise, of authority on these subjects.

from a residence in London, cannot better be exhibited, than by a reference to the means and accommodations offered by that admirable Institution, the British Museum. In a note to the 12th and 13th pages of his Observations on the State of Historical Literature, Sir H. Nicolas has bestowed upon it commendations, the justice of which will be warmly acknowledged by all who have had occasion to avail themselves of its proffered benefits. "Any thing more delightful than that establishment cannot be imagined; and the important benefit which the Public derive from it, is irrefragable evidence in favour of rendering every other Repository of information, and above all every *public* Repository, as easy of access, as well arranged, as properly conducted, and as free from the disgrace of Fees and Perquisites."

I.

The Originals of the several Documents, which are denominated "Records," are to be met with in various Public Offices and Depositories. An Index to these was published, anonymously, by Dr. Strachey, in the year, 1739. A full account was also given by Dr. Nicholson, late Bishop of Carlisle, in his *English, Scotch, and Irish Historical Libraries*, of which a second Edition appeared in 1776, and which was afterwards copied by Dr. Priestley in his "*Lectures on History*." The Reports from the Commissioners on the Public Records, published 1800-1819, in two Folio Volumes, give more ample and safe information on this subject. "The Observations, of Sir Harris Nicolas, on the State of Historical Literature," 1830, may, also, be consulted with advantage; as well as a valuable "Directory for searching the Public Records in the Metropolis," in the Companion to the British Almanack for 1838. (b)

The following account is confined to the authorized Publications from the Originals, which have, at different times, been edited under the direction, and with the sanction, of Government.

(1) The first Work, printed by Authority, was that en-

(b) See Quarterly Review, vol. xxxix., p. 41, for a valuable article on Records and Registration. It is said at p. 60, "anterior to the Reign of Edward I., our knowledge of Parliamentary Proceedings is derived either from the unsatisfactory narrative of the Monkish Chronicles, or from the incidental entries upon the Close and Patent Rolls."

In the History of the ancient Palace and late Houses of Parliament by Messrs. Brayley and Britton, is noticed, at p. 26, the recent Publication of the Close Rolls. "The Records intituled, '*Rotuli Literarum Clausarum*,' or Close Rolls, commence, 6 K. John, A.D. 1204, in which are recorded all Mandates, Letters, and Writs of a private nature. They are denominated *Close*, in contradistinction to another Series of Rolls called *Patent*. They are Letters, addressed in the King's name, to individuals for special and particular purposes, and were folded or *closed* up, and sealed on the outside with the Great Seal,"

titled the ‘*Fœdera*,’ the Conventions, Letters and Public Acts of every kind, between the Kings of England, and other Sovereigns or Communities. By Warrants from Queen Mary, Aug. 20, 1693, and of King William, April 12, 1694, Mr. Rymer undertook the Publication, and, in 1704, edited the First Volume, commencing with the year 1101. A third Warrant from Queen Anne, May 3, 1707, included Mr. Robert Sanderson as an Assistant. In the life time of Mr. Rymer, Fourteen Volumes were published, and Volumes 15 and 16, then prepared for the press, were afterwards published by Mr. Sanderson, who, himself, added Four others, thus completing the Work in Twenty-four Volumes, Folio, and embracing a Period of 553 years down to Charles I. Three several Editions of this Series, have appeared; the First in the years 1704 to 1717; the Second, in 1727 to 1735: and a Third, printed at the Hague, in 1738-9, in Ten Folio Volumes.

In consequence of an Address from the House of Commons to his Majesty George III., respecting the Public Records of the Kingdom, it was resolved to publish a more extensive and correct Edition of this important Collection, and Dr. Adam Clarke and Frederick Holbrooke, Esq., of the Inner Temple, were appointed to superintend the Publication. It commenced in the year 1816, and was, by them, continued to the year 1821, and from Vol. II., P. II., by Mr. Holbrooke and John Caley, Esq., to the year 1830. Conjointly, these Gentlemen have edited Six Volumes, or more properly, Three Volumes and Three Parts, which commence with the year 1066, and extend, at present, to that of 1377; or from William the Conqueror to the Reign of Edward III., as follows:—

| | | | | | |
|----------|----------|------------|---------------|------|---------|
| Vol. I. | Part I. | William I. | to Henry III. | 1066 | to 1272 |
| — | Part II. | Edward I. | ... .. | 1272 | 1307 |
| Vol. II. | Part I. | Edward II. | ... .. | 1307 | 1327 |

| | | |
|--------------------------------------|------|------|
| Vol. II. Part II. Edward III. | 1327 | 1344 |
| Vol. III. Part I. Edward III. | 1344 | 1361 |
| —— Part II. Edward III. | 1361 | 1377 |

It appears that nine additional Volumes will only bring the Work down to Richard III., an. 1485, instead of Charles II., 1654, when Sanderson's Edition closes, a difference of 169 years.

It is greatly to be regretted, with regard to this Work, and to all the other National Records, that the operations of the Record Commission have been suspended since the beginning of 1838, and it can scarcely be deemed consistent with the character of a Great Nation, like England, that from a false and mistaken economy, an interdict should have been placed on the prosecution of labours so truly national, and so conducive to the elucidation of truth, in all matters connected with her Historical Literature. With regard to the immediate subject of the present Volume, there is no greater desideratum, than the continued Publication of Documents so illustrative and indispensable.

(2) The Rolls of Parliament have also been printed in Six Folio Volumes. The Copy after which these Records of Parliament were printed, was collated by the Rev. Mr. Philip Morant, and John Topham, of Lincoln's Inn, Esq., down to the Second Year of Henry IV.; then by Thomas Astle, Esq., Keeper of the Records in the Tower, and by Mr. Topham. The Transcripts, pursuant to an Order of the House of Peers, were deposited in the British Museum by the Rev. Dr. John Strachey, who corrected the Press during the printing of the "*Rotuli Parliamenti, Petitiones et Placita in Parlamento.*" The Volumes are arranged as follows:—

| | |
|--|--|
| Vol. I. Edward I. II. | |
| II. Edward III. | |
| III. Richard II. Henry IV. | |
| IV. Henry V. VI. | |
| V. Henry VI. Edward IV. | |
| VI. Edward IV. Richard III. Henry VII. | |

In the First Volume of the Lords' Journals, commencing 1 Henry VIII., the Rolls are carried on from the Parliament prorogued to Nov. 4, A. R. 4, through the whole Reign of this King to 1 Mary. They thus supply a large deficiency which exists in the Journals themselves.

(3) In 1528, an Abridgment of the Statutes, from Magna Charta, to the 19th Henry VIII., was published by Owen, but William Rastall, in 1618, first put Marginal Notes to the *Statutes at large*, and collected all in force from Magna Charta to the 4th year of Philip and Mary.

In the Reports from the Commissioners on the Public Records, is, in Volume I., p. 86, a Plan for an authentic Collection of the Statutes of the Realm, of which, under the Authority of Parliament, the First Volume appeared in 1811. Nine Volumes are now published in the following Series:—

| | | | | | |
|----------------------------------|----------|-----|-----|--|---|
| Vol. I. contains <i>Charters</i> | | | | Henry I. Stephen. Henry II. John Henry III. Edward I. | <i>Statutes</i> Henry III. Edward I. II. Uncertain date. Edward III. |
| Vol. II. | ... | ... | ... | ... | <i>Statutes.</i> Richard II. Henry IV. V. Edward IV. Richard III. Henry VII. Henry VIII. |
| Vol. III. | ... | ... | ... | ... | Henry VIII. |
| Vol. IV. | Part I. | ... | ... | ... | Edward VI. Mary Philip and Mary Elizabeth to A. 27. |
| | Part II. | ... | ... | ... | Elizabeth 28 to 43. James I. |
| Vol. V. | ... | ... | ... | ... | Charles I. II. |
| Vol. VI. | ... | ... | ... | ... | James II. William and Mary. |
| Vol. VII. | ... | ... | ... | ... | William III. |

| | | | | | |
|------------|-----|-----|-----|-----|-------------------------|
| Vol. VIII. | ... | ... | ... | ... | Anne 1 to 6 inclusive. |
| Vol. IX. | ... | ... | ... | ... | Anne 7 to 13 inclusive. |

An Alphabetical Index to the Statutes was published in 1824, and contains under the word "Parliament," a List of all Bills passed.

A Chronological Index from Magna Charta to Queen Anne, was also published in 1828. Other Editions of the Statutes reach to the present day.

(4) The Journals of the Lords and Commons, the former commencing 1 Henry VIII., and, in 1836, extending to 91 Folio Volumes; the latter from Nov. 8, 1547, 1 Edward VI., (Vol. I. terminating March 2, 1628, 4 Car. I.) and extending, in 68 Volumes, to the same period, were originally printed by Authority of the Houses, and are continued in a regular series from their first dates, with a few intermissions occasioned by the loss of the original Records, to the present day.

A complete Journal of the Transactions of both Houses, from 1 Henry VIII. to 7 Edward VI., was drawn up by Robert Bowyer, sworn Clerk of Parliaments, A.D. 1609, and is in the Cotton Library. The Original Records are in the Tower, and Parliament Office.

(5) Many Collections of the "Writs of Summons to Parliament," made at different Periods by the labour and researches of individual Authors, will be noticed under the Third Class. The present authorized Edition, embraces only the Reigns of Edward I. and II. It was collected and edited by Sir Francis Palgrave, and printed by Command of His Majesty King George IV., in pursuance of an Address of the Commons House of Parliament. The first volume was published in 1827; the Second, in two Parts, in 1830; and a Third Division to the same Volume, containing an Alphabetical Digest and Index, in 1834, by Command of His Majesty King William IV.

In the Preface to the Second Volume a notice is given of the additions which have been made in the present work, to those previously collected and published by Prynne.

It is observed, by Sir Harris Nicolas, that "the Editor of the Parliamentary Writs has executed his task in a satisfactory and able manner, with one exception, that of not commencing the Series with the earliest Writs upon Record." He considers it the only well edited volume the Commission has published.

These are the principal Records illustrating the subject of Parliamentary History, which have hitherto been published by the authority of Government. Many other Documents, from which casual and incidental information may be obtained, appear in the list of volumes edited by the Record Commission, for which their Report may be consulted. There is also, without doubt, much authentic information to be found in the Repositories of the British Museum and of many Local Courts, of which we have at present no certain knowledge. Thus in the 24th volume of the *Archæologia* (1832) at p. 317, are published "Portions of the Proceedings of the Corporation of Lynn Regis, Norfolk, from 1430 to 1731, taken from the Hall Books." From 1392, 15 Rich. II., to 1453, 32 Hen. VI., the Records are imperfect. From this latter period, they are perfect to the present day. To the year 1487, 4 Hen. VI., they are written in Latin; since that time in English.

II.

The Second Class of Authentic Documents tending to illustrate our Constitutional History, consists of the Historians who were contemporary to, or shortly followed, the events which they relate. Of these, many Collections and separate Editions have been, at different times, published.

Of such Historical Records, the Saxon Chronicle is undoubtedly the earliest and most important. It contains the

original testimony of contemporary Writers on the Transactions of our Forefathers, from their first arrival, to the year 1154. Professor Abraham Wheloc first translated and published it, at Cambridge, in 1644, as an Appendix to his Saxon Bede. His "*Chronica Anglo-Saxonica*" extend only to 62 folio pages. An improved Edition was published by Edmund Gibson, afterwards Bishop of London, at Oxford, in 1692, which contains nearly four times as much as Wheloc's Extract, but is still not the entire Chronicle. The honour of having printed the first literal version of the Saxon Annals was reserved for a learned Lady, Miss Gurney, of Keswick, Norfolk. Her Work was finished in 1819, but has not been published. In the year 1823, the Rev. J. Ingram published the first complete Edition, from a Collation of all the Manuscripts, and with an English Translation. This volume contains 374 pages. In the Preface, the Author gives an Account of the other sources of our History, prior to Henry II., when this invaluable Document terminates. Such were Gildas, and Nennius who repeats him, Bede, Aserius, and Ethelward, the most extraordinary and faithful Follower of the Saxon Annals, who seems to have disregarded all other Sources. For nearly a Century after the Conquest, the Saxon Annalists appear to have been eye witnesses of the Transactions which they relate,

Where the Saxon Chronicle ends, Geoffrey of Monmouth begins. At this Period, almost every Great Monastery had its Historian, and we are indebted to these Institutions for all the authentic early information we possess as to the occurrences and events of those remote times. In each mitred Abbey of the Order of St. Benedict, says Matthew Paris, some of the Fraternity were appointed to register the most considerable Events, and after the death of every King, these Memoirs were laid before a Chapter of the Order, to be re-

duced to a body of History, which was preserved in their Archives.

Florence of Worcester closely followed Bede, Asserius, and the Saxon Chronicle. The same may be said of the Annals of Gisburne, of Margan, Melros, and Waverley.

Thomas Wikes, in his Latin Chronicle of English Affairs, from the Conquest down to 1304, does not add much to Bede, William of Newburgh, and Matthew of Paris. William of Malmesbury is to be selected from all his competitors for superiority of genius. His deficiencies and inaccuracies may be corrected by a reference to the Saxon Chronicle. Succeeding Writers to the Chronicle of Simeon of Durham, who transcribes Florence of Worcester, are the two Priors of Hexham, Gervase, Hoveden, Brompton, Stubbes, the two Matthews, of Paris and of Westminster, and others. It appears, that however numerous these Writers may have been, every thing original and authentic as to the above period, may be traced to the Saxon Annals. (c)

Nicholson, in his Historical Libraries, p. 40-1, has given a list of Saxon Authors, and, at p. 34, in defence of the Saxon Records, says, "Many are lost, but there are still more remaining than any of our neighbour Nations can pretend to shew, relating to the transactions of those Ages." That many Documents are lost, which indicated their careful attention to Historical Proceedings, is rendered probable by the allusions of Andrew Horn, Author of the "Mirroir de Justice," who lived under Henry II. He quotes the Rolls of the Saxon Times, and even their Year Books, of which no remains exist. This Author makes the further statement that he had perused all the Laws of this Island, since the time of King Arthur.

(c) On the probable Authors of these Annals, see Ingram's Preface p. x., &c.

The Series of Ancient Historians is very extensive. For a tolerably accurate account of these Writers, chronologically arranged, the Volumes of Nicholson and Priestley may be consulted. The Report of the Record Commissioners contains also a reference to many which are the most important. The "Onomasticon Literarium" of Saxius, (7 Vols. Traj. ad Rhenum 1775-1790) and the Catalogues of the Harleian Library, 2 Vols. 8° 1743, are valuable Indexes on this subject. See also Balæus de Scriptoribus Britannicis (Gippevici. 1548) and particularly Leland's "Commentarii," Oxon. 1709.

Considering the importance of these early Writers towards a knowledge of our early History, and the little acquaintance the Public at large have with them, it cannot be deemed superfluous to give a more extended account in this place, of the principal Volumes in which most of them have been published collectively.

The Collection entitled "*Rerum Britannicarum Scriptores vetustiores et præcipui*," was published in one Folio Volume, at Heidelberg, in the year 1587, and contains the following Authors:—

- Galfred. Monumetensis (Geof. of Monmouth) cognomine Arturi (fl. about 1150.)
- Pontius Virunnius or Virumnus (fl. 1490.)
- Gildas Badonicus or Sapiens (fl. 512-580.)
- Beda Anglo-Saxonicus (b. 665. d. 735 æt. 70.)
- Continuator ejusdem, Lib. 3.
- Gulielmus Neubrigensis (Petyte or Parvus) fl. 1200.
- Johannes Frossard (b. 1333. d. 1402.)

A Second Collection, "*Rerum Anglicarum Scriptores post Bedam*," published, in one Folio Volume, by H. Savile, at London, 1596, and at Frankfort, 1601, contains—

- Gul. Monach. Malmesburiensis (fl. 1141.)
- Henr. Archid^s. Huntindon (fl. under Stephen and Hen. 2.)
- Rogeri Hoveden Annales (fl. under Rich 1. and John.)
- Chronicon Ethelward (Edward Patricius) fl. 1090.
- Ingulph Abbas de Croyland (b. 1030. d. 1109.)

In the year 1652, were published by Twysden, "*Historiæ Anglicæ Scriptores Decem*," at London, by Flecher, and at Leyden, by John and Daniel Elsevier. The Authors contained in this Volume are—

Simeon Monach. Dunelm. (fl. 1164.)
 Joh. Prior Hagulstad (d. about 1190.)
 Ricard Prior Hagulstad (fl. about 1160.)
 Serlo, fourth of that name, (fl. about 1160.)
 Ailredus Abbas Rievallensis (d. 1166.)
 Radulph de Diceto, or Rixeto, Londonæ (fl. 1197-1210.)
 Joh. Brompton, Jornallensis (under Edward 3.)
 Gervasius, Monach. Dorobern (fl. 1138. 1200.)
 Thomas Stobæus (Stubbes) Dominicanus (fl. 1360.)
 Gul. Thorn Cantuar. (fl. about 1380.)
 Henry Knyghton, Leicestrensis (fl. 1377, &c.)

A Fourth Volume, "*Rerum Anglicarum Scriptores*," was published at Oxford, "*e Theatro Sheldoniano*," in 1684. It includes the following Authors:—

Ingulph. Croyland Hist. (from A. D. 626-1091.)
 Petrus Blesensis (Blois) (d. about 1209) continues Ingulph from A. D. 1100, to 1118.
 Chronicon de Mailros (extends from A. D. 735-1270.)
 Annales Burtonenses (from 1104 to 1263.)
 Hist. Croyland Continuator (from 1149 to 1486.)

A Fifth Volume, "*Historiæ Anglicanæ Scriptores Quinque*," published by Thomas Gale, at Oxford, *e Theatro Sheldoniano*, in 1687, contains—

Annal. de Margam. from A. D. 1066 to 1232.
 Chron. Thomæ Wikes (fl. 1290, Edward 1) from 1066 to 1304.
 Ann. Waverleiensis (under Edgar Atheling and Will. 1,) from 1066 to 1291.
 Galfredus Vinesalvus (de Vino Salvo, Vinesæuf, under Rich. and John.)
 Walterus de Hemingford wrote from A. D. 1066 to 1273-1300.

A Sixth Volume, "*Historiæ Britannicæ, Saxonicæ, Anglo-Danicæ Scriptores Quindecim*," was also published by Gale, at Oxford, in 1691, and contains—

| | |
|------------------------|------------------------------|
| Gildas (fl. 512, 580.) | Anonymus Elyensis (fl. 1099) |
| Eddius (fl. 720.) | Thomas-Elyensis (fl. 1166.) |

| | |
|---|-----------------------------|
| Nennius (fl. 620.) | Joh. Wallingford (d. 1214.) |
| Asserius (d. 909.) | Rad. de Diceto (fl. 1210.) |
| Gul. Malmesbur ^a . (fl. 1141.) | Anonymus. |
| Anonymus Malmesb. | Joh. Fordun (after 1360.) |
| Anonymus Ramesensis (fl. Hen. 1.) | Alcwinus Flaccus (fl. 780.) |

Besides these Collections, and separate Editions of the same Authors, published by Hearne and others, the Works of many valuable Historians, not here included, have appeared in distinct Volumes. Of these, the principal, are Marianus Scotus, a Monk of Mentz, who^e flourished about the year 1100. Florentius Bravonius, a Monk of Worcester, already alluded to, and the earliest Historian of the 12th Century, who died in 1118; Eadmer, a Monk of Canterbury, a Writer of unquestionable Authority, who lived under the two first Williams and Henry I., and wrote their History from 1066 to 1122; Matthew Paris, a Monk of St. Alban's, one of the most renowned Historians of the Kingdom, who gives the Annals of eight Kings, from the beginning of William I., to Henry III. From the year, 1259, when he died, his History is continued by William de Rishanger, a Monk of the same Fraternity, to the end of this latter Reign; and with these, is published the History of Roger Wendovre de Wendovre, a Prior of Bealvoir, sometimes called de Windleshore; Odericus Vitalis, a Writer of Ecclesiastical History, who lived about the year 1141; Benedictus Abbas, Petroburgensis, who wrote the Lives of Henry II. and Richard I; Matthew, a Benedictine Monk of Westminster, called Florilegus, at a Collector from former Historians, who ends his History in 1307, which year, probably, he did not long survive, and whose work was continued by Adam Merioneth, Canon of St. Paul's, to 1380, the date of this Author's death; Thomas Walsingham, a Benedictine Monk of St. Alban's, who flourished about 1440, and begins his History at the conclusion

of Henry III., where Matthew Paris ends, continuing it to the end of Henry V. (*d*)

In addition to these and other ancient Authors, many Annals and Chronicles, which supply correct and authentic information, have been derived from the various Monastic Establishments. Such are the *Chronicon, sive Annales Prioratus de Dunstaple* (Ed. Hearne, 1733); the Annals, Chronicles or Registers, of Lichfield, Reading, Norwich, Glaston, Coventry, Lincoln, Ely, Worcester, Canterbury, Abingdon, St. Edmund's, Winchester, St. Alban's, of the Monastery de Bello and Monastery Bartonienſe, and many similar Works referred to by Cotton, Hody, and other Writers.

To these succeeded, in the 15th, 16th, and 17th Centuries, the Histories and Collections of John Ross, William Caxton, Robert Fabian, Polydore Vergil, Edward Hall, William Harrison, Ralph Hellingshead, John Stow, John Speed, Francis Godwin, Richard Baker, William Camden, Thomas Sprat, Sir Winston Churchill, and those of Sandford, Brady, Tyrrel, Echard, Carte, Guthrie, Clarendon, Burnet, Rapin, Hume, Robertson and numberless other Writers on General History, on the Lives of particular Sovereigns, or on circumstances of particular Reigns.

III.

The next Class of Constitutional Authorities includes the various Collections from original Records, or from other sources, which have been made with particular Reference to the Parliamentary History of this Country.

Sir Robert Cotton, who was born in 1570, and died in 1630, aged 60, first made an exact Abridgment of as many of the

(*d*) See a List of these Authors before the latter end of Hen. 3. Prynne i. 400. iv. 557, &c.

Parliamentary Records as were in the Tower of London, from Edward II. to Richard III. They were afterwards published, in Folio, by William Prynne, in the year, 1657. There is, says Nicholson, a fair Transcript of these, from the 1st of Edward III. to the 43rd of Elizabeth, in the Cotton Library, where are, also, two Volumes of Indexes to the Tower Records. Many References to these Documents appear in "*Cottoni Posthuma*," published by James Howell, in 1651.

In 1659 to 1664, the indefatigable, learned and intelligent William Prynne published, in Four Volumes, his "*Brief Register, Kalendar and Survey of the several kinds and forms of Parliamentary Writs*." They were collected from the vast mass of Records then existing in Julius Caesar's Chapel, in the White Tower, and consist more properly of Four Parts, though separately published, and now generally forming Two thick Volumes. The *First* Part comprises, in three Sections, all Writs, Forms of Summons to the Spiritual and Temporal Lords, to Great Councils, Parliaments and Convocations, from the Fifth of King John, 1203, till 23 Edward IV., 1483. The *Second* Part, comprises the several varieties and Forms of Writs for electing Knights, Citizens and Burgesses, with the most ancient Returns of these Writs then extant. The *Third* Part called "*Brevia Parliamentaria Rediviva*," contains several Catalogues of the numbers and dates of Original Writs and Summons, during the Reigns of Edw. I., II., III., Richard II., Henry IV., V., VI., and Edw. IV. The *Fourth* Part comprises all Writs "*de Expensis Militum, Civium et Burgensium*," then extant in the Tower Records, besides many other documents relating to the eight last mentioned Reigns.

It is impossible to speak in terms of too high commendation of this admirable work, whether we consider the labour with which so large a mass of hidden materials was brought to light and reduced to form and order, or avail ourselves of the accu-

rate and important deductions with which it abounds, in illustration of the Constitutional History of our Country. Applying his acute intellect and profound legal acquirements to this subject, the author has exhausted it for the benefit of succeeding ages, and has, at the same time, left a perpetual monument to his own fame, and a Legacy, which ought to be the Shield and the Safeguard of our venerable Institutions.

But the merits of Prynne are not to be estimated by this rare and now costly work alone. His other numerous Writings evince an energy and enthusiasm, which alone could have supported him under multifarious and incessant labours: and his occasional errors are the rare exceptions to the great merits he may claim as an Antiquary, and as an accurate Commentator on the facts which he had collected. With all his failings, Prynne was a great man, and though his zeal for the Protestant Religion, and his aversion to the arbitrary Proceedings of the Star Chamber and of certain of the Clergy, in the early periods of those reforming times, carried him to an extreme point; yet, amid the atrocities of the Long Parliament, he dared to adhere to the Constitution of England, and to publish his opinions, regardless of the terrors of the Inquisition, which equally dealt its merciless inflictions on the friends and on the foes of true religion and of their Country. He was born at Swainswick in Somersetshire, in the year 1600, and died in 1669, Member for the City of Bath, which appears never to have acknowledged the merits, or done justice to the memory, of a real Patriot, and truly eminent Author. (e)

In 1659-80, Rushworth published his "Historical Collections," which beginning in the 16th year of King James, 1618, contain many "remarkable Proceedings in Parliament, down to the 23rd and 24th Charles I, 1648. He died in 1690, aged 83."

(e) For a just estimate of the merits of Prynne, see *Observations on the State of Historical Literature* by Sir Harris Nicolas, p. 46, &c.

In the year 1685, Sir William Dugdale, Knight, published, at London, "A perfect Copy of all Summons of the Nobility to the Great Councils and Parliaments of the Realm from 49 Hen. III., to his own Times," 1 Jas. II., in which year he died, aged 80.

"The History of English Councils, Convocations, and Parliaments," published by Dr. Hody in 1701, contains the Antiquities of our Constitution, both in Church and State. The History of Synods or Convocations extends from the earliest Times to the beginning of Henry VIII. That of Parliaments is continued only to 1272, the last year of Henry III.

Browne Willis published the First and Second Volumes of the First Edition of his "Notitia Parliamentaria," in 1716, and the Second Edition in 1730. They contain, "a History of the Counties, Cities, and Boroughs in England and Wales, with Lists of all the Knights, Citizens, and Burgesses, from the first Summons to Parliament to this time." A Third Volume appeared in 1750, on the publication of the Ten Folio Volumes of the Journals of the House of Commons which had been made in 1747. It embraces the period which coincides with these Journals.

In the years 1751-3, appeared the very valuable and extensive Collection, in 24 Volumes 8°, called "the Parliamentary and Constitutional History of England, being a faithful account of the most remarkable Transactions in Parliament from the earliest times to Dec. 29, 1660."

This great national Work, undertaken and completed thus far by a Society of eminent Individuals, deserves the Reputation which it has obtained, as a highly interesting and comprehensive account of all the Parliamentary Transactions during the long period which it embraces. The possession of the Records published in more recent times, would have given

to the details of the Work a somewhat more useful and precise character. Of the second Edition, and subsequent Continuation of these Volumes, notice, will, hereafter, be taken.

“The Succession of Parliaments from the Restoration to 1761,” was published in the year 1764, by Charles Whitworth, Esq., M.P.

In 1776, Mr. John Hatsell, then a Clerk of the House of Commons, published “Precedents of Proceedings in the House of Commons, with Observations, being part of a large Collection extracted from the Journals of the House, and other Parliamentary Records.”

In 1796, a Third Edition appeared in four Quarto Volumes, of which the first relates to Privilege of Parliament, the Second, to Members and Speaker; the Third to Lords and Supply; the Fourth, to Conference and Impeachment. The value of such a Work will appear to all the Readers of the Parliamentary Journals, which record the frequent appointment of Committees to search these Records for Precedents, in all doubtful and controverted Cases.

In 1777, Dr. Brady published “An Historical Treatise of Cities and Burghs, or Boroughs, shewing from Records, when they first sent Representatives to Parliament.”

The “Political Index to the Histories of Great Britain and Ireland, or a Complete Register of the Hereditary Honors, Public Offices and Persons in Office, from the earliest Periods,” in Three Volumes, was published in 1806, by Beatson, and contains a List of the different Administrations, British Peers, Archbishops of Canterbury, Bishops, Lord High Chancellors, Speakers of the House of Commons, &c. The same Author, in 1807, published in three other Volumes, “A Chronological Register of the British Parliaments, from the Union in 1708, to the third Parliament of the United Kingdom of Great Britain and Ireland.”

In the year 1806, Mr. Cobbett commenced a republication of the valuable Series of the Parliamentary History already described, and from this year to the year 1820, completed it from the year 1066 to 1803, in thirty-six large and densely printed Volumes, with double columns. The First Volume supplies a List of Peers, Commons, Archbishops of Canterbury, Chancellors, Lord High Treasurers, with a Table of the Price of Provisions; and to each Parliament of the Series, is added a Catalogue of the Acts passed. The Parliamentary Debates of Hansard, the publication of which commenced in 1812, took up the History from 1803, and have continued it to the present time. His First Series, in Forty-one Volumes, extends from 1803 to the death of George III. A Second Series, in Twenty-five Volumes, embraces the Reign of George the Fourth, with the Prorogation by his Successor. A Third Series, in Thirty-nine Volumes, reaches down to Dec. 23, 1837.

The total extent of this great National Work is One Hundred and Forty-one Volumes, consisting of 95,191 Pages with 190,382 closely printed Columns. The price at which the whole was published amounts to £215 17s.

In 1832 and 34, Hansard published his "Analytical Parliamentary Digest," or an Index to the Sixty-six Volumes, from 1803 to 1830, which supplies a most valuable Reference to the Proceedings of this Period. The additional cost of this volume is Four Guineas.

The Prefaces to the First Series by Cobbett, furnish a list of the Sources from which were drawn the materials for his greatly improved and enlarged Edition of the Parliamentary History. Besides the use of all the Public Records, the First Preface describes 146 Volumes employed for the purposes of this undertaking, at a cost of £110, to which the price of 100 Volumes of the Journals would constitute an additional expense of £150.

In 1816. Mr. Oldfield published in Six Volumes, 8^{vo}, at the price of £3 12s., "The Representative History of Great Britain and Ireland, being a History of the House of Commons, and of the Counties, Cities, and Boroughs of the United Kingdom, from the earliest Period."

The most considerable and important Publication of modern times, and the only one which may bear a comparison with the fore-cited work of Prynne, is the "Reports from the Lords Committees appointed to search the Journals of the House, Rolls of Parliament, and other Records and Documents, touching the Dignity of a Peer of the Realm, &c.," with Appendixes, in Five Folio Volumes. The First Report was presented to the House, 12th of July, 1819, was ordered to be printed 25th of May, 1820, and to be reprinted, 17th of February, 1823. A Third reprint was ordered May 18th, 1829.

Of these Reports, Vol. I. includes the Constitution of the Legislative Assemblies of England from the Conquest to the Unions of England and Scotland, and of Great Britain and Ireland, with other Matters, and a Table of Writs.

Vol. II. includes the Second, Third and Fourth Reports, with an Alphabetical Digest and Indexes, and chiefly relates to the Dignity of the Peerage.

Vol. III., Ordered to be printed, 25 May, 1820, contains "Summonitiones temp. Johan., Hen. III., Edw. I., II."

Vol. IV., Ordered to be reprinted, 18 May, 1829, contains "Summonitiones temp. Edw. III., Rich. II., Hen. IV., V., VI., Edw. IV.," with three Appendixes.

Vol. V., Ordered to be reprinted, 19 June, 1829, contains the Fifth Report, with Patents of Creation, from Stephen to Edw. IV., and Indexes of Creations, Names and Places.

This great work is understood to have been collected and written by, and under the direction of, the late Lord Redes-

dale. It contains a very elaborate and perspicuous analysis of all the information that could be derived from original Documents, in regard to the nature and constitution of the Legislative Assemblies of the Realm, and the Powers and Privileges of their component Members. The Appendixes contain, for the first time, a publication of the Series of Parliamentary Writs from Edward III. to Edward IV., and the inferences drawn from these Records seem fully borne out by a cautious interpretation of their sense and import. If the arguments assume somewhat of the legal form, they will not on that account be the less valued by those who can estimate the shrewdness and precision which are generated by the habit of legal investigation; and it may safely be affirmed that Lord Redesdale has done his Country the service of presenting the first clear and enlarged exposition of the important subject which this inquiry embraces. (f)

To these Volumes, and to the elaborate Register of Prynn, the Editor of the present Work is greatly indebted, both in the Introductory Chapters, and in the Text and Notes of the Parliamentary Series itself. It may perhaps be said that the greater part of the information contained in these rare, copious and expensive Volumes is embodied in the following Pages; a circumstance which will not be charged upon the Editor as a fault, by those who really desire to obtain legitimate Constitutional knowledge.

IV.

The necessary limits of this Preface will not allow even a

(f) That occasional errors are to be met with in the details even of this great Work, will not be denied, and such errors should be stated by those who are competent to correct them. It is to be hoped that Sir Harris Nicolas, who, in the Retrospective Review for October, 1837, pointed out the general fact of such imperfection, will favour the public with the means of avoiding the mistakes, which may result from a too strict reliance on an Authority so highly estimated.

cursory notice of the numerous Publications which are included under the Fourth Class of Documents tending to illustrate the Parliamentary History of our Country. A Catalogue, however brief, of the separate Treatises and Essays, of contemporary and other writers, on the whole or on detached Portions of this subject, would itself constitute a volume. The Second Volume of the Harleian Catalogue, under the Head "English Parliamentary Affairs," p 641-646, contains the titles and dates of many of the more early and what may be called Classical Authors on this subject, and many more such are included in the First Volume, p. 416 and sqq., under the Head "Historia Anglicana."

The late Sir Frederic Eden, well known as the Author of the "History of the Poor," had made an extensive Collection of these scattered works, and, in 1806, printed a Catalogue of his valuable Library, of which Class II. extending from p. 41 to 166, relates solely to "British History and Politics." This scarce Volume is a particularly valuable Reference from the time of Henry VIII., to the date above mentioned. A more accessible source of information is the "Bibliotheca Britannica," published at Edinburgh and London, in 1824. Under the word "Parliament," the Third Volume contains a long list of the Authors who have written on this subject. Nicholson's "English, Scotch, and Irish Libraries," supplies, at p. 7, a notice of many separate Publications on the Parliaments of England.

An imperfect attempt has thus been made to exhibit some of the difficulties, with which, in the absence of any Digest of these widely-scattered materials, those have to contend, who seek to become acquainted with our Parliamentary and Constitutional History.

The Author of the present Volume has endeavoured, in some measure, to supply this desideratum in our Historical

Literature. His early experience of the almost insurmountable difficulties which stood in the way of any accessible and satisfactory reference to such information, induced him, many years ago, to form, for his own use, a Chronological Index of the Parliaments of England.

In this pursuit, he became very soon aware of the numerous imperfections which must accompany even so superficial a Catalogue, unless, by the examination of various original Documents, he could correct the errors which every where beset even the most accredited Authorities. Believing that some public advantage might result from carrying his plan into more complete effect, as a sanction to his prospective labours, he obtained, in 1834, the opinion of that indefatigable and profound Historian, Sir Francis Palgrave, who assured him, "That such a Parliamentary Index would be a work of great utility, and could not fail to be highly valued." Upon this sufficient Authority, many materials were collected, and, as far as possible, arranged, when, from an accidental reference to the Preface of the "Chronology of History," p. 18, a valuable work then recently published by Sir Harris Nicolas, it appeared, that this accurate and accomplished Author was himself preparing to publish "A Complete List of the Meetings, Prorogations, and Dissolutions of Parliaments." The object of this proposed Work so nearly coincided with his own, that he, at once, felt the necessity of abandoning his purpose in favour of a Writer of a reputation so well established, who was, in every respect, so much more competent to the undertaking, and whose opportunities of correct information were so much more complete. The answer, which he received to a communication with Sir Harris Nicolas on this subject, is highly conclusive as to the liberality and candour which distinguish the possession of superior talent and information. "The subject, he says, of your studies is

undoubtedly a very important one, and I really know no work of which Historical Literature stands so much in need, as an Account of our Parliaments. It gave me much pleasure to hear that you have made so much progress in collecting materials, and I shall be most happy not only to relinquish my own Plans, but to afford you any assistance in my power. No one is more sensible than myself of *the absolute want* of the dates of all Parliaments, together with a few facts relating to each, which would save hours of research to almost every Writer on History or Antiquities. I am, however, well aware, that the subject is full of difficulties, though I by no means consider them *insurmountable*; and I flatter myself, if you will allow me the pleasure of a few hours' conversation when you come to Town, that I shall be able to remove such an idea from your mind, and to induce you to persevere. It is, I confess, rather *contradictory* to this assertion, that I have recently satisfied myself of a new fact in Parliamentary History, which will create additional, and, I fear, formidable obstacles, namely, that the Term "Parliament" was applied in the Fifteenth Century, if not *earlier* and *later*, to Assemblies of the Peers only, in the Parliament Chamber, on occasions when the Commons were neither present, nor authorized to attend. These meetings of the Peers are clearly distinguished from "Great Councils," of the precise nature of which I have at last obtained, I think, certain information. It has always struck me, that in any List of Parliaments, care must be taken to distinguish such as enacted Statutes; and, here, again, arises the doubt as to what actually were considered Statutes? for I believe many Acts are called "Statutes," which were nothing more than Ordinances of the King made in Parliament for the sake of greater publicity and solemnity, but which neither required nor received the *Assent of Parliament*, in the sense understood to imply an "Act of Parliament."

It would, however, be idle to enter into a discussion on these matters in a Letter, and I must defer saying more until I have the pleasure of seeing you. If, in the mean time, the "Report of the Devon Peerage Claim," and the "Proceedings of the Privy Council," which I am editing, should happen to fall in your way, you would find some remarks in the Appendix to the former on the true import of the Term "Assent of Parliament;" and in the Prefaces to the latter, respecting "Statutes," and on the application of the word "Parliament" to Assemblies of the Peers, which may be useful."

With such encouragement, and with the frequent and always ready assistance of this Gentleman, the Editor of the present Volume continued his laborious undertaking.

Besides the necessity of a constant reference to the extensive Series of Works above enumerated, which, at a distance from London, were often inaccessible upon any terms, it was soon discovered that the most serious difficulty was connected with the Chronology and Succession, even of the Parliaments, which were known to have been held. It appeared, on many occasions impossible, not only to adopt the admitted dates, but when these were correctly obtained, to reconcile them with the admitted facts of History.

With regard to the dates, it was particularly evident during the first Centuries, that unless the precise date of the year could be obtained, all the subsequent statements in connection with it, must be invalidated. To reconcile the Regnal year, then commonly employed, with the year of our Lord, was, therefore, the first object. This certainty being obtained, the particular periods as to the days of the month and week, might, with some industry, be correctly calculated, and it became possible to determine on what days fell the Festivals, given, on nearly all occasions, with the Regnal year, as the only dates of the several Parliaments and their Prorogations.

The difficulty with regard to the years was greatly increased, not only by the incorrect statements of Historians, and of the published Records themselves, but by the customary variety which prevailed as to the commencement of the year. As the Civil year began on the 25th of March, and the Historical year on the 1st of January, the same event frequently occurred in connection with two different years. It was not, as is well known, till the year 1752, that, by Act of Parliament, the First of January was established as the commencement of the year for all purposes.

To make the historical æras intelligible to modern Readers, it was therefore necessary to reduce the ancient dates to the calculations adopted in the present time.

Besides admitting these variations, which were sanctioned by usage, Historians, as has been said, not only very much differ among themselves as to particular dates and æras, but the Editors of Records have, in some instances, tended to create or perpetuate error, in many important points. Thus, though we may assign to their proper cause, the difference in the years in such instances as the following, taken from the Rolls, where Feb. 23, Rich. II., is given as 1382, instead of 1383; Feb. 4, Hen. VI., is called 1425, instead of 1426; Jan. 15, Hen. VI., is placed in 1436, instead of 1437; and in 23 Hen. VI., February is made to occur in 1444, instead of 1445: we are much puzzled, when, in the new Edition of the *Fœdera*, May 8, 8 John, is called 1206 for 1207; Oct. 19, 1 Hen. III., 1216 has the place of 1217; July 17, 11 Hen. III., is in 1226, instead of 1227; nor can we explain by what calculation, Wednesday, 15 St. Michael, 7 and 8 Hen. IV., is called Oct. 15, instead of 13; or why, in the Rolls, Monday in 15 St. Hilary, 21 Rich. II., is called 27 Jan., which is Sunday, instead of 28. By these and similar oversights, the difficulty of a correct arrangement becomes multiplied in a

tenfold degree, and, under these numerous discrepancies of Writers on the same subject and period, the process required for eliciting the truth, is oftentimes reduced to one of reasoning and consideration, rather than of mere numerical calculation.

The Preface to the "Chronology of History" satisfactorily enlarges on these topics, and this Volume, in its details, supplies the most valuable and accurate Tables for Chronological reference. Without this resource constantly at hand, it would have been scarcely possible to accomplish the present imperfect Specimen of the Chronological Series of Parliaments, and the following Formula which was adopted during its progress, may assist others under similar inquiries.

Rule.—To find on what day of the week in any year fell any given Festival, so as to ascertain on what day of the month fell any other given day of the week in regard to that Festival, as Monday after St. Hilary, Tuesday after St. Peter and Paul, &c.

First, state the year. *Secondly*, the date of the given Festival, by p. 132, Chron. of Hist., 2nd Ed. *Thirdly*, find the Dominical Letter, in Table K. *Fourthly*, in Table E., p. 53, from the Dominical Letter determine, in each month, all the other days of the week and month.

Example. In the year, 1341, what day of the month is Monday after the Feast of St. Andrew the Apostle?

Year, 1341. Festival, Nov. 30, p. 134. Dominical Letter, G. Table K, p. 63. All the days under this Letter being the Sundays in 1341, it appears, that Nov. 30, is on a Friday; and consequently that the Monday after that Friday, is Dec. 3. Q. E. D.

As every meeting of a Parliament, Council, or Convocation, is designated by one of these Festivals, the number of requisite calculations must, it is evident, be equal to the number of such meetings. It will hence appear how much indebted the

collector of Parliamentary materials must be to the Author of these Tables, which so greatly abridge his labours, and supply so valuable a standard for the correction of frequent numerical errors.

The Volumes of Parliamentary Writs, edited by Sir Francis Palgrave, must be completely discharged from any implication of such a want of precision. They as yet embrace only the Reigns of Edward the First and Second, and are a Collection of unquestionable authority, and of the highest value. They afford the first clear light and sure footing in our Inquiries, and the portion already published, stimulates our curiosity and expectation in regard to those Periods which are to follow. It is greatly to be desired that this important Work, so calculated to extend or confirm our knowledge, may forthwith be continued. It will, no doubt, supply many deficiencies, and qualify many assumptions in the present Work, which have been admitted in the absence of Documents so indispensable to a correct detail of Parliamentary Dates and Proceedings.

So much having been said as to the materials required for an exposition of our Parliamentary History, it may now be stated, that the principal object of the present Volume is to offer to all Classes of the Community, in a condensed form, and at a reasonable cost, (*g*) the substance of the numerous Records and other Documents, which illustrate and explain the Constitution of our Country. It endeavours to supply a Manual, chronologically arranged, of all the Meetings, Adjournments, Prorogations of the Legislative Assemblies and

(*g*) It has been estimated that the cost of the original Volumes which have been consulted, would amount to upwards of £500. According to Sir Harris Nicolas, a complete Set of the Records would cost £160, and it has been shewn that the Parliamentary History and Debates, with the Index, are published at £220 1s. The value of many other Works may be collected from the notices already given. The extreme scarcity and consequent dearness of Prynne's Register alone is well known to all Historians.

Councils of the Realm, and to include all such particulars as relate to the origin, gradual developement of, and progressive changes in, these Assemblies. It proposes to furnish a brief notice of all Proceedings connected with the Privileges and Powers of both Houses of Parliament, and with the Claims and Rights of the Constituent Body.

In more recent Periods of our History, it attempts farther to convey, in a concise manner, the chief Arguments which have been employed in the Debates arising out of proposed Parliamentary innovations, and a reference to all Orders of the Houses, together with an exposition of the Law and Practice upon all occasions of Privilege, Form, and Order, as from the commencement, they have been laid down by the several Speakers of either House.

It is hoped that this object, however extensive, has, in some respect, been attained, and that no important knowledge has been omitted in this Summary of Parliamentary Facts.

With regard to the Plan which has been adopted, it is obvious that some variety must arise in consequence of the different amount of information which we possess in the different Periods of our History. Thus, in the earlier Ages, our attention and interest must chiefly be confined to a mere chronological arrangement of the successive Meetings, and to an enumeration of the Individuals who, as far as the fact can be ascertained, were the Constituent Members of these National Conventions. In later periods, when the Chronology and Constitution are more precisely established and determined, the Proceedings of these Assemblies must occupy a much larger space. Accordingly, in the first portion of our Series, the character of the Volume will more nearly approach that of an Index, while in the more advanced Periods, it will rather resemble an Analytical Digest of the Measures which formed the business of the Meetings, so far as this related, and

solely related to their own improvement, government, and security.

Thus again, while in the earlier Reigns, it is shewn that the real Constitution of the Legislative and Remedial Assemblies of the Realm admitted, as Members, only the Baronial or other Tenants in Chief of the Crown, together with such Judicial and other Counsellors as were indispensable for advice or Judicature, and that other Persons were summoned only under special circumstances, without the attachment of any inherent Privilege or Claim ; in later times, the grounds upon which the advancing pretensions of other Classes of the Community were introduced, maintained or disallowed, with all the variations incident to a System gradually developing fresh resources and claims, are given in much historical detail, and without any qualification.

The Reigns of James and Charles the First, the former so intimately connected with the important events which succeeded, and which first led to the subversion of the Hereditary Monarchy, and remotely to the establishment of a new Constitution, at the Revolution ; and the latter exemplifying, in sad realities, the miseries of Civil War and Insubordination, with all the train of evils which result from the uncontrolled tyranny of the People,—these Reigns are allowed to occupy a large space for the instruction of the present, and of future generations.

It may be said, that a list of the various Statutes and Ordinances which were passed, should have been appended to the account of each Parliament. But such an addition would have altered the character of this Volume, which required the utmost brevity compatible with the accomplishment of its professed and immediate purpose. It was quite foreign from such purpose to furnish any details which had no bearing upon the existing state, or upon the changes which were progressively modifying our Parliamentary Constitution.

An occasional deviation from this Rule has been admitted on two grounds only. A reference is sometimes made to Acts which have passed in particular Parliaments, in order more distinctly to fix and designate the Epoch of such Meetings, by this allusion to their Proceedings.

In some other instances, the general measures have been introduced for the purpose of calling a particular attention to the unjustifiable usurpations of Privilege and Power, which have sometimes marked the Proceedings of those, who, falsely calling themselves the Representatives of the People, have trampled, without scruple, upon their Rights and Liberties, and assumed an Authority wholly subversive of the well-adjusted arrangements of the English Constitution.

It will readily be admitted that the following Pages contain many Errors of omission as well as of commission. Among the former, may, perhaps, be placed the want of an accurate List of the Lord Chancellors. Such a List is, however, still a desideratum in our Historical Literature. The best is that in Dugdale's *Origines Juridiciales*. (*h*) A more correct one has been commenced, on the suggestion of Sir Harris Nicolas, from the Tower Records, but is not yet completed. A List occurs also in the Proceedings of the Privy Council, of which Five Volumes have been edited, and two others are ready for publication, by this Gentleman. The Author was, on these accounts, unwilling to adopt, as authentic, the Catalogue supplied by Beatson, in his Political Index, or that by Cobbett, which is prefixed to his Edition of the Parliamentary History.

He is disposed to hope that other omissions of this kind, and other mistakes of a positive nature, may have arisen from the

(*h*) See also Selden's Discourse touching the office of Lord Chancellor of England, with a Catalogue of Lord Chancellors and Keepers of the Great Seal of England, from the Norman Conquest until the year 1677, by Sir William Dugdale, 1677.

absence of safe and legitimate Authorities, rather than from the want of industry or attention. The continuation of the authorized Publications of the Record Commission, now unhappily suspended, would tend more than any other means to correct the imperfections, and to supply the acknowledged deficiencies in all our Histories.

An estimate of the difficulties with which the Author has had to contend, though it cannot altogether remove blame where palpable inadvertence or mistake has been admitted, may, it is hoped, in some measure extenuate the faults which will, no doubt, be detected in the course of a complicated and perplexing Inquiry. The present Volume, in its subject complete, and comprehending the most difficult and unknown portion of our Parliamentary History, is published with the desire of supplying a useful Manual of Reference, no less to the Constituencies of England, than to the Members themselves of the Legislative Assemblies of the Kingdom. The Materials for a Second Volume, from the Revolution down to the passing of the Reform Bill, are in progress of preparation, and should the Public, by its reception of the present undertaking, justify such a measure, will, under favourable circumstances, be submitted to their renewed favour and consideration.

INTRODUCTION ;

BEING A SUMMARY OF BRITISH HISTORY AS REGARDS THE LEGISLATIVE
ASSEMBLIES OF THE KINGDOM FROM THE EARLIEST PERIODS
TO THE REVOLUTION IN 1688.

CHAPTER I.

THE question of the origin of Parliaments, and more especially of the constitutional influence which the People of England possess as members of the Legislative and Remedial Assemblies of the Realm, has been discussed with great zeal and industry, but with very opposite results. Upon this, as upon other occasions, where there is an absence of positive Records, and of historical proof, a probable answer can be supplied by circumstantial evidence alone, and we must rest satisfied with an inquiry into the conditions of Society which successively prevailed, from the most remote periods, to those in which the transactions of a Country open into full light and well authenticated detail. In the interval which exists between our first acquaintance with the Inhabitants of Britain, and the reign of Edward the First, much of this doubt and uncertainty prevails, and we can only deduce imperfect conclusions from occasional Records, and from the general character and habits of the People.

Assemblies of the Realm for the enactment and alteration of Laws, or for the administration of Justice, have been in all times an important part of the Constitution of England, and, during several ages, the functions connected with these two purposes, centered in the same individuals.

Such Assemblies have, in different periods, obtained different appellations. Among the Britons, they were called *Cyfr-y-then*, among the Saxons, *Folks-gemote*, *Mickel-gemote* and *Witena-gemote*, and, under the Normans and their successors, they assumed the Latin titles *Concilium*, *Concilium Magnum*, or *Commune*, *Curia*, *Curia Regis*, *Baronagium*, or were designated by the French term—*Parliament*.

The Persons who composed these Assemblies differed in different Periods, but, in all instances, a selection was directed by the approved qualifications of those who were to be intrusted with the important charge of legislation, or of the administration of Justice. Superior wisdom from age or experience, and an interest in the Institutions of the country derived from the possession of landed, or other property, seem to have been, in all ages, the admitted basis of such selection.

The Laws of the British King, *Dynwal Moelmud*, who reigned in the third or fourth Century before the Christian *Æra*, have been cited in favour of the opinion that, from very remote times, the People of this country enjoyed a participation in the enactment of the Statutes by which they were to be governed. If the authority of the Welsh Triads, in which these

Ordinances are preserved, might be considered unimpeachable, such an opinion would receive a sufficient sanction; nor can the conjecture that they should be assigned to a much later period of our history, detract much from the wisdom of our Ancestors, or from the liberal character of their Institutions.

It may, indeed, be observed with regard to these Regulations, that, however free may have been our British Progenitors, and however participant the People, in measures affecting the interests of themselves and of the Community, there never existed a nation among whom the qualifications of birth and position in society, were more rigorously exacted, as securities, under the possession of social and political Privileges. Every individual, who was unable to claim a place in his Tribe, by producing evidence of his descent through Nine Generations, and his collateral affinity in the Ninth degree, forfeited the privileges of a Free native. Three things were held indispensable for those who gave their votes upon any public occasion—first, that they should be free-born Cambrians, without defect in Pedigree, and without meanness in dignity; secondly, that they should be efficient men; and thirdly, that they should be Heads of a family, having Wives and Children, by marriage. No Jurors were admitted but such as were Landed Proprietors. Every Cymro, it is true, who could prove his incontestible Pedigree, was entitled to the Rights, Liberties and Immunities of a native, and to Five Acres of Land for his future sustenance, a regulation connected with an early state of society, but founded on a policy which appeared to be the best safeguard of a Constitution intended for the protection and permanent welfare of the subject.

The Laws of Hoel Dha, which were enacted about the middle of the Tenth Century, appear to have been borrowed from these earlier Institutions. Of these Laws, several copies are still extant, and in the Preface to one of them it is declared, that, "according to the advice of his Council, this Sovereign retained some of the ancient Laws, some he amended, and some he disannulled, appointing others in their stead."

The earliest authentic information respecting the ancient Inhabitants of Britain, is found in the writings of Julius Cæsar. According to his statement, Cassivellanus was elected by a "Commune Concilium" of the States. The Kingdom was then divided into many Tribes, and each was governed by one or more Kings. The names of the Four Kings who ruled over Kent, are supplied by this Historian. To the defection of several Tribes, Livy ascribes the weakness of Cassivellanus, and his inability to contend with Cæsar.

Tacitus, alluding to a later period, states, that, "formerly this people were governed by Kings, but that they were then divided into factions and parties, nor could any thing be more favorable to the Romans, contending against this powerful people, than their want of union, *"quam quod in commune non consulunt. Rarus ad propulsandum commune periculum, conventus."* Galgacus, in the splendid Address to his assembled Countrymen, congratulates them, *"jam ipsos, quod difficillimum fuerit, deliberare."*

The Kings probably possessed limited power, and had little share in the Legislative functions of the Government. Dio Cassius, speaking of the Britons, under Severus, says, *Δημοκρατορικαί τε ως πλεονεχίαι, statu populari ut plurimum reguntur.* The principal check upon the power of the Prince seems, however, to have been the influence of the Druids, who officiated not only in cases of Religion, but held also a chief authority in making, explaining, and executing the Laws.

From the departure of Cæsar (A. C. 51-54) to the invasion of Claudius (A. D. 43) nearly one hundred years of darkness occur. On their settlement in this Country, the Romans found it impossible to introduce their own Institutions, while the power of the Druids remained entire, and, contrary to their usual practice, they not only abolished the Superstitions, but as far

as they were able, extirpated this influential race. (a) The Roman Laws were then established in every part of the conquered Country, and Britain became a Diocese in the Prefecture of Gaul. "It was divided, says Palgrave, into Provinces, under the direction of a President or Consular. The Curia, or Ruling Body, was composed of Senators or Decurions, but the Cities enjoyed considerable Privileges and contained distinct Colleges or Guilds of traders and artificers. The absolute authority was in the Emperor, but the Prefects were despotic in their own departments. A species of controlling power existed in the Provincial Councils and Assemblies. *Deputies and Magistrates* from the Cities attended them. The *great Landed Proprietors* were admitted to seats. They assembled at stated times of the year. Local Ordinances were enacted by the Councils, but the redress of grievances could only be obtained by petition to the Emperor. Whether these Councils were engrafted, or not, upon Institutions subsisting among the conquered nations, they became one of the Elements out of which were formed the Legislative Assemblies of modern Europe." (b)

When the connection with Rome was entirely severed, (A. D. 148) the Britons separated into independent and rival Communities. Their dissensions encouraged the invasions of various hostile Tribes. The Jutes, the Angles and the Saxons, originally one nation, reduced the principal parts of the Country, and about the year 638, drove the native inhabitants into the Western Mountains of the Island. The Saxon Authority then became firmly established.

Ancient Germany, from whence these Settlers proceeded, consisted of many free and independent States. These were again divided into Provinces, each of which formed a separate civil Community, with its own President, but subordinate to the Supreme Legislative Assembly of the State. At the great Councils, every Freeman of a proper age, who had not forfeited his title by any misdemeanour, was bound to be present to declare his assent or dislike to the measures there concerted. Their Chieftains, the Ealdormen, were the Priests, Lawgivers and Leaders of the Tribe, but possessed only a temporary political Power. Tacitus says, "*Eliguntur in Conciliis Principes, qui jura per Pagos, Vicosque reddunt: Reges ex Nobilitate, Duces ex virtute sumunt. Nec Regibus infinita aut libera potestas. De minoribus rebus, Principes consultant, de majoribus omnes; ita tamen, ut ea quoque, quorum penes Plebem arbitrium est, apud Principes pertractentur.*"

The Title of King was, strictly speaking, unknown, but the Saxon Victors now assumed all the authority of the British Kings. According to the prevailing policy of the Barbarians who settled upon Roman ground, they governed, as far as they could, according to the spirit of the Roman Institutions. About the year 477, Ella first assumed the Title of "Bretwalda," Ruler of the Britons, a title, says Palgrave as much superior to that of King, as this was to their national dignity of Ealdormen. The Bretwaldaas may, in fact, be considered the Successors of the Roman Emperors, and the Roman Law was thus imposed upon the ancient Germanic law and constitution. (c)

The people strove, however, to maintain their old freedom, and the laws and customs which they considered their birthright and best privilege. The County Court, or Shire-gemote, over which the Ealdorman, or Earl, pre-

(a) These Superstitions were not, however, entirely abolished for many years. In the days of Canute is a Law forbidding his subjects to worship the Gods of the Gentiles, the Sun, Moon, Fire, Rivers, Fountains, Hills, Trees, or Woods. Leg. Can. c. 5. Strutt's Chron. of England, p. 502.

(b) See the admirable sketch of the Roman British Constitution, by Sir Francis Palgrave, in his lucid and instructive History of England, Vol. 1, Anglo Saxon Period (1831) p. 13, et passim.

(c) Palgrave, p. 79. See at p. 13, Preface, a very animated and graphical Representation of a Witena-gemote, under Edward the Confessor.

sided, was composed of all the Freeholders within the County, and virtually constituted a little Parliament. The Witena-gemote possessed the whole legislative power of the Community. The King could make no law, or impose any taxes without the consent of this great Council, which William of Malmesbury defines, "*generalis Senatus et Populi Conventus et Edictum.*"

The Mickel-gemote is supposed to have been a still larger Assembly, consisting of the People in indefinite numbers, but it may, perhaps, be safer to agree with other authors, who are of opinion, that this Convention, as being too numerous for deliberation, was, in fact, superseded by the Witena-gemote, or Assembly of Wise Men, a more select and efficient body of Representatives.

During the Heptarchy, each Kingdom had its separate Witena-gemote. About the year 830, and 242 years after the erection of the Mercian Monarchy, the Britons North of the Severn, were entirely subdued by Egbert, who became Eighth Bretwalda, or Sovereign. It appears, however, that contrary to the received opinion with regard to the consolidation of the several Kingdoms, there still existed "no common Legislature, and no means of concentrating in the supreme government the strength and resources of the Community." (d) The Councils of each State remained independent, and the several Kings took the advice of their Subjects, and enacted their Laws without reference to the wants of their neighbours, or the necessities of their common Country. In this respect, the constitution of the Heptarchy differed little from the less perfectly arranged System of the British States.

In the year 441, Vortigern was elected Sovereign by an Assembly of South Britons, and of Saxons, who had been invited for the protection of the Commonwealth. By a similar Assembly, he was deposed for mal-administration, and Ambrosius was elevated to the vacant honours. During 130 years, which intervened between the commencement of the Saxon hostilities, and the completion of the Heptarchy by the erection of the Mercian Kingdom (A. D. 455-585), the same Constitution seems to have prevailed.

In A. D. 602, Ethelbert, with the concurrence of the Witena-gemote, enacted a body of Laws, or reduced the traditionary legal Customs of the Jutes into writing. On his confirmation in the Christian Faith (A. D. 605) he convened a Council of "Clergy and People." (e)

A. D. 607, Edwin, King of Northumbria, convened a Witena-gemote, to discuss the respective merits of Christianity and Paganism; upon which occasion, the former was adopted as the Religion of his Province or Kingdom.

A. D. 689-727. Ina, King of Wessex, framed a Code of Laws, of which the Preamble says, "Ina, by the Grace of God, King of the West Saxons, by the advice and institution of Cendred, my Father, and of Heddes and Erkenwald, my Bishops, and with all my Ealdormen, and the Sage Ancients of my People, in a great Assembly of the Servants of God, have religiously endeavoured, both for the health of our Souls, and the common preservation of our kingdom, that right Laws and true Judgements be founded throughout our whole dominions, and that it shall not be lawful, for the time to come, for any Ealdorman, or other person whatever, to abolish these our Constitutions."

According to Cotton, these Laws were enacted, "*confirmatione Populi.*" Spelman also says, (f) that at a great Council, held A. D. 712, by Ina, "many things were done ad concordiam publicam promovendam, per commune consilium et assensum omnium Episcoporum, Principum, Procerum, Comitum, et omnium Sapientum Seniorum et Populorum totius Regni."

(d) Palgrave History of England, p. 103-220.

(e) "*Tam Clerici quam Populi.*" Spelman Conc. T. i. p. 126.

(f) Conc. i. 219.

We learn moreover from Bede, that the grand League and Union of the Britons, Saxons and Picts, was concluded and confirmed, "*per commune concilium et assensum, &c., et Populorum, et per Præceptum Regis Inæ.*" (g)

A. D. 751. Offa, King of Mercia, in a great Council of Prelates and Nobles, associated his Son in the Royal Dignity.

The Decrees of the Council of Colchuth were propounded in a Great Council before King Alfwald and Archbishop Eanbald, "*et omnibus Episcopis, Abbatibus, Senatoribus, Ducibus et Populo Terræ.*" (h)

A. D. 775. According to the Saxon Chronicle, Sigebert was deposed by the Witena-gemote of Nobles and Wisemen. Concerning this Act, Henry of Huntingdon farther says, "*Congregati sunt Proceres et Populi totius regni.*"

A. D. 811. Kenwulf, King of the Mercians, convenes the "Optimates, Episcopos, Principes, Comites, Procuratores, suosq; Propinquos." (i)

Egbert, King of the West Saxons, enacted his Laws, "*cum licentia et consensu totius gentis suæ, et unanimitate omnium Optimatum.*" (k)

On the death of Egbert in 836, and on the succession of his son Ethelwulf, the Mercians and West Saxons united to repel the invading Danes, and a great Congress was held at Kingsbury, composed of the Prelates and Nobles of the two Nations. This historical fact is a sufficient proof that, under Egbert, no general consolidation of the States of the Heptarchy had taken place, and that the union here described was an exception to the established Constitution of the Country.

A. D. 855. The grant of Tithes to the Clergy is conceded "*a Rege (Ethelwulf) Baronibus et Populo, præsentibus Archiep. et Episcopis Angliæ universis, Comitum Procerumque totius Terræ, aliorumque Fidelium, infinita multitudine, qui omnes Regium Chirographum laudauerunt; Dignitates vero nomina subscripserunt.*" (l)

From the Statutes enacted by Ethelbert, Ina, Offa and other Anglo Saxon Monarchs, Alfred selected such as appeared most eligible; others he amended, and some wholly rejected. He made, in fact, no important alteration in the Laws and usages of his Realm. "He was afraid to innovate, lest, as he says, his own new Laws might be rejected by Posterity." (m) He established the Witena-gemote on a more regular plan, ordained two meetings every year, and introduced a greater degree of order in the Assemblies, which, according to Palgrave, partook of the nature of the present Cabinet and Privy Councils, in which there was a previous consideration of such measures as were to be submitted to the Witena-gemote.

This general statement which is derived from the Mirror of Justice, the author of which lived under Edw. I., has been, perhaps hastily, rejected by Bishop Ellys, who says, "among other Regulations, Alfred appointed two general Shire-gemotes, or County Courts every year, which have been mistaken for Parliamentary Conventions. (n) These strictures are, however, scarcely applicable to the expressions of the Author before quoted, who says, "Alfred ordains a perpetual Custom, that twice in the year, or oftener, in time of peace, if business so required, they should assemble at London, to treat of the good government of God's people, and how folks should be restrained from offending, and live in quiet, and should receive right, by certain usages and judgements, &c."

(g) Bede's Ecclesiastical History, lib. 1. Tracts on the Liberty, Spiritual and Temporal, of Protestants in England, by Anthony Ellys, D.D., late Lord Bishop of St. David's. 2d Edition, London, 1767, p. 456.

(h) Ellys p. 457, from the Magdeburg Centuriatus, cent. viii. c. q. p. 575.

(i) In Bibl. Cotton Tib. c. 4.

(k) In Bibl. Cotton, Claud. i. ix. c. 31.

(l) Lamb. L.L. Edw. Reg. c. 8. Ingulph Hist. p. 863.

(m) Palgrave p. 189, 90. "He judged that it was better to permit the continuance of a defective Law, than to destroy the foundation upon which all Laws depend—respect for established authority—which sudden changes, even for the better, are apt to undermine."

(n) Ellys b. c. p. 361.

Arthur is said to have derived from the ancient British Institutions, that Law which formed the groundwork of the Anglo-Saxon Constitution, relative to Frank-Pledge, by which he consolidated the Kingdom of Britain. With more certainty, upon the authority of John of Brompton, may we ascribe to King Alfred, the first division of England into Counties, Hundreds and Tythings, and the appointment of Tything, Hundred, Trything and County Courts, with the duties attached to the respective Members of each. To the system thus consolidated, while, by an arrangement and association of the whole body of the People, it secured the maintenance of the public peace, may also, perhaps, be referred the elements of a representative plan, which might easily be applied to the purposes of National Legislation. It may also, perhaps, be granted, that from the Free-burghs (free securities, frank pledges) thus constituted, have arisen also the rights and privileges of the Free Burgesses, the Burgh Tenants, how much soever they may have since been mistaken, or perverted.

Athelstan, the grandson of Ina, proposed various Laws in a great Assembly held at Greateley, consisting of the Archbishop Wolfelm and of all the "*Optimates et Sapientes quos potuit Congregare.*" The Bishops, Thayne, Earls and Villani of Kent, send an Address to the King, thanking him for having appointed certain wise men to inquire as to their state of peace, and their requirements, "*de commodo nostro perquirere et consulere, magnum opus Nobis, Divitibus et Egenis,*" and assure him that they have immediately commenced their inquiries, with the advice of the said wise men. They thank him farther for the Enactments made at Greatley. (o)

These Laws were again confirmed at Exeter, Feversham and Thundresfeld. It appears, also, that they received a fifth confirmation, or that other Laws were made by the great men at London, "*Hoc est Consultum quod Episcopi et Præpositi qui Londonensi Curie pertinent, edixerunt; et jurejurando confirmaverunt, in Suo Fridgildo, Comites et Villani, in adjunctione Judiciorum quæ apud Greatleyam et Exoniam instituta sunt, et iterum apud Thundresfeldam.*" (p)

A. D. 944. Edmund Atheling, brother of Athelstan, held a great Council of the Clergy and Laity at London, and another brother, Edred, succeeded to the Throne, with the approbation of the Witena-gemote. He inherited the fourfold empire of the Anglo-Saxons, Northumbrians, Pagans and Britons, but each of these States and Communities was virtually independent of the other members. "There was one Sovereign, one Empire, many Kingdoms and Provinces, many Customs and Laws. It was not until after the Conquest, that England really became One Kingdom, governed by the King, and possessing one Supreme Legislature."

A. D. 958. The Oaths of Fidelity taken at Chester by the vassals of Edgar (nephew to Edred), and their military obligations, constitute, says Palgrave, two of the elements of Feudality. The donation of Land, and the tie of Vassalage grew up with the Anglo-Saxon Kingdoms. Under Edgar, the system was carried to its full extent. (q) He convened, A. D. 970, a great Council of all the Proceres of the Kingdom, at Salisbury.

(o) Chron. of Brompton, p. 850.

(p) *Judicia Civ. Lond.* in Dr. Wilkins's Coll. of Saxon law. Elly's p. 459.

In a Charter of King Athelstan for certain Lands granted, A. D. 931, to the Abbey of Abington, which is entered on the great Register belonging to that Abbey, now in the Cottonian Library, the following words occur: "*Hæc Charta in Villa Regali quæ Ætwelepe nuncupatur, Episcopia, Abbatibus, Ducibus, Patrie Procuratoribus, regia dapilitate ovanibus, præscripta est.*" The term "*Procuratores*" occurred previously, A. D. 811, but nothing can be inferred as to their legislative functions from the circumstance of their being present at the Royal Feasts. The pretended claims of the Borough of Barnstaple to return members from the period of Athelstan, on which so many false arguments have been founded, are sufficiently exposed and demolished in the Lords' Report on the Dignity of the Peerage, Vol. 1. See also on the Claim of the Borough of St. Albans, 8 Edw. 2, Prynn, Brief Register, P. 4, p. 612.

(q) Palgrave's History of England, 228-9-30, 272.

A Witena-gemote held at Winchester, A. D. 975, placed Edward the Martyr on his Father's Throne.

Another, held at Calne, A. D. 978, included the principal Nobility of England.

In the year 979, an Assembly of Nobles, Prelates and great men, on the murder of this King, placed on the Throne his half brother, Ethelred I., the sole remaining scion of the Royal stem.

A Charter to the Monastery of Wolverhampton, was made "*coram Rege, Archiep. Ebor. et omnibus Episcopis, Abbatibus, Senatoribus, Ducibus et Populo Terræ.*" (r)

A. D. 1000, the Laws of Ethelred II. were enacted and confirmed by the King and his wise men; in one instance, "*cum Exercitu.*"

A. D. 1002-1009, A great Assembly of the Witan, or wise men, concert measures against the Danes.

A. D. 1013. Sweyne is chosen "full King of England," and on his death Canute is elected, but the Witena-gemote resolved to restore the line of Cerdic, and Ethelred is recalled under *certain conditions.* (s)

A. D. 1016. On his death, "*Cives Londonienses, et pars nobilium qui eo tempore consistebant Londini, Clitonem Edmundum (Ironside), unanimi consensu, in Regem levavere.*" But the Witena-gemote chose Canute as King. (t)

A. D. 1017. Canute convoked at London a general Assembly of Bishops, "Duces and Optimates," and, in the following year, confirmed the Laws of Edgar and the Saxon Kings, in a great Council at Oxford, "*cum consilio et decreto Archiepiscoporum, Episcoporum, Abbatum, Comitum, aliorumque; Fidelium.*" (u)

A. D. 1039. Hardicanute his Son was elected by the States, and a Charter was granted, "*cum assensu, laude et consilio suorum Archiep. Abb. Monach. Clericor. et regni sui Devotorum, Procerum, et cæterorum minoris ordinis gregariorum Militum.*" (v)

A. D. 1042. Edward, the Outlaw, or Confessor, only surviving Son of Ethelred, was elected, notwithstanding the opposition of the Danes, by a Council of the Prelates and great men, assembled at London. "The detail of the motives which actuated the majority of the Assembly, shews, says Palgrave, how little the exercise of their Prerogative was attended with any real liberty of Suffrage."

The Laws of King Edward, the Confessor, were made "*a Rege, Baronibus, et Populo.*" He was, according to Stowe, the chief Author and Cause that the Law which we call the Common Law, was first brought up, being gathered out of the Laws and Ordinances of Four Nations—the Mercies, West Saxons, Danes and Northumbers." (w) These he united into one, by the advice of his Witena-gemote. The Charter of Edward, the Confessor, to the Abbey of Westminster, made in a great Council held in the last year of his reign, was granted "*coram Episcopis, Abbatibus, Comitibus et omnibus Optimatibus Angliæ, omnique Populo audiente et vidente.*" (x)

A. D. 1066. The Members, who had composed the last Witena-gemote of Edward, being still present in the Metropolis, consent to the Election of Harold, as King.

William of Malmesbury, who wrote within 60 years of this time, and was

(r) Dugdale Monast. Ang. l. i. F. 966, col. 2.

(s) "With full acknowledgment of hereditary right, the nation stipulated that the King should not abuse his power, the germ (says Palgrave, l. c. p. 303) of Magna Charta, and all subsequent compacts between the King and People of England."

(t) Florence of Worcester, and Hoveden from him. Ellys, p. 460.

(u) Chart. Reg. Cnut. Archaion. 97, 4 inst. 32, and Rot. chart. 4, E. 3 m. 24, n. 58.

(v) Ellys, p. 457.

(w) Palgrave, 331, Stowe p. 94. Lambard de præcis Angliæ Legibus c. 8, f. 139.

(x) Spelman Conc. f. 625.

well skilled in History, speaking of the claim of William of Normandy to the crown, represents Harold as having given this Answer, "*De regno præsumptuosum fuisse quod absque generali Senatus et Populi conventu et edicto, alienam illi hæreditatem juraverit.*" (y)

It is not known, says Bishop Ellys, what share, up to this period, the Commons held in the Legislature, nor by whom it was managed; but there are sufficient grounds to believe, that they had some share. He alludes to the Customs of the Northern Nations, the freedom of the lower classes among our Saxon Ancestors, and the ancient writings of those times, particularly the Address to Athelstan, the *Judicia Londini*, and some ancient Charters, and concludes, "Such a concurrence deserves to be esteemed a proof of considerable weight, that the Commons, distinguished from the Greater Barons, were usually present, and some way parties to these National Assemblies," adding, "It is most probable that this Privilege was vested in the *Thanes of so much Land, in the Sheriffs and Herebooks* chosen by the Freeholders in the Counties, and in the *Town Cerevees, or other Officers* there, chosen by the Burghers" (x)

Whatever may have been the real constitution of the Saxon Councils, it is evident from the preceding analysis, that no very precise information can be obtained on this subject from any authentic documents; and that, however generally it may be admitted, that the approbation of certain classes of the community was desired as a confirmation of Legislative, or other enactments, no positive Law existed by which their rights were formally announced, or their participation accurately defined.

The indiscriminate employment of the term "*Populus*" has given rise to most of the difficulties connected with this obscure subject. The "*Clerus et Populus*" of Ethelbert; the "*Confirmatio Populi*," "*Populus totius Regni*," and "*Assensus Populi*," of Ina; the "*Populus Terræ*" of Offa; the "*Populus totius Regni*" again of Sigebert; the "*Tota gens nostra*" of Egbert; the *infinita multitudo*, the *Populus et Fideles* of Ethelwulf; the *Procuratores* of Kenwulf; the *Omnis Populus* of Edward Confessor, must be admitted to be sufficiently vague and indefinite expressions, destroying, in some instances, their own authority, as applicable to this question, by their universality, or by proving too much; in others, conveying a meaning very different from that which it is intended to affix to them; and, in no case, implying the possession of an equal privilege with that acknowledged to belong to the Classes especially named as concerned in the enactment of Laws. The "*Senatus et Populus*," are distinguished, moreover, in one instance, as separate bodies. The Convention of the Senate, and also of the People, might, indeed, be necessary to the Election of William the Conqueror, without any implication that the "*Populus*" formed a part of the Senate, as a legislative Body, from which it is here, in a marked manner, distinguished.

Bishop Ellys is himself obliged to acknowledge, that the privilege of being admitted a member of the Legislative Assemblies was vested in the Proprietors of Land, or the Officers who held responsible situations, a concession quite at variance with the supposition that the *Ceorls*, or *Villani*, might have been members of the Great Councils, concurrently with the Prelates, Nobles, and Wisemen. And if the *Coloni*, or *Villani*, could in no instance hold these equal privileges, it is as easy to reject the claims of the undefined Class, called "*Populus*," to an equal participation in the Legislative and Judicial functions.

It seems, also, probable, that, in some instances, the term *Populus* was meant to include the whole body of the Laity, as in the frequent examples that occur of *Clerus et Populus*; when the latter term applied to the *Lay*

(y) Ellys, p. 463, from Hody. Convocat. p. 123.

(x) Ellys, p. 442, p. 437.

Barons; and it may possibly be true, that the "*Populus Terræ*" had reference to the proprietorship of Land. (a)

We have, moreover, sufficient evidence, that the Laws of Athelstan were proposed and confirmed in an Assembly of Archbishops, Nobles and Wisemen; and that, notwithstanding the implied opinion to the contrary, the Villani and Coloni had not the slightest concern in these Proceedings. It appears, that *after the enactment* of the Statutes in question, these persons, together with the Earls, took an oath to observe them, not in the Council Room, but in their own Guildhall (Fridgildo.)

Many other similar instances occur, in which the "*Populus*" had evidently no concurrent authority; and many others, in which, "*omni Populo audiente et vidente*," they gave a ready and spontaneous assent to the measures proposed, adopted and confirmed, by the Prelates and Nobles alone.

Though it is impossible to deny the general free spirit of the Saxon Institutions, it cannot, from any specific and precise evidence, be proved, that the Commons, as they are now considered, possessed a share in the Legislative Institutions of that People, corresponding in any respect with the participation and rights they now enjoy in the Parliaments of the British Empire. It was long before such a Privilege was obtained, and Parliaments, as they are now constituted, were never the ancient Constitution of England. The changes which have been effected were "the work of time, of accident, and circumstances, rather than of any legislative enactment."

In taking a retrospective survey of the Constitutions of England as they have existed from the earliest periods even to the æra at which we are now arrived, it is impossible to escape the conclusion or to repel the conviction, that, under all circumstances, the connection between the Church and the State, between the established Religion of the Country and its secular administration, has been of the most intimate and stringent kind. The Ministers of the National Faith have either themselves been the Founders and Executors of Laws, or have acted co-ordinately with the Functionaries of the Civil Government, giving a sanction to, and deriving authority from, the Power and Influence of the Temporal Rulers. If then, in these Realms, as in the history of all nations, from the Mosaic Institutions downwards, such an Alliance has existed, in spite of the superstitions which have prevailed, and the abuses which have been often times admitted, can it be doubted that the system is founded on some common principle, which induces a ready submission to the dictates and incentives of Religion, and approves of such a connection, as the most effectual preservative of good order, and the best safeguard for the integrity of existing Institutions.

The learned Editor of the Parliamentary Writs observes, that before the reign of Edward I., neither the principles nor the practice of the Constitution can be ascertained with certainty; but under the government of Edward, a settled and uniform usage may be discerned, from whence the Parliament received an organization nearly approaching to the form in which it now subsists. Considerable obscurity prevails with respect to the rights and functions of the individuals who enjoyed the privilege or were subjected to the duty of attendance. The fact, however, of such attendance is evinced by documents existing in a series, which though not entirely unbroken, is sufficiently complete, to afford a satisfactory view of the Estates, Orders and Members, who composed the great Councils of the Realm." (b)

(a) For the Divisions of Landed Property, consult Strutt's Chron. of England, ii. 186-7. He says, "Each County being divided into two descriptions of persons, one possessing the Land as Proprietors, and the other cultivating it as Vassals, the privilege of attending the Legislative Assemblies, as well as having a share in the judicatory Courts, was necessarily confined to the Landholders. As Land was the only original possession of our Saxon Ancestors, this Species of Property alone could entitle them to the right of Freemen." See also note p. 312, for the Privilege of Members of the Witenagemote, and Wilkins Leg. Sax. p. 146, for Places of Meeting.

(b) Preface, Vol. I.

The Conqueror confirmed, to a considerable extent, the Saxon Laws and Customs, but established no Legislative Assembly, according to any known law in use under the Saxon Kings. It has been shewn, that such an Assembly existed, and its name imports that it consisted of a selected Body. How they were elected is a matter of great obscurity. The Earls, Ealdormen and Thanes seem to have been selected personally by the Crown, but whether any others had a right to a seat and voice, as an hereditary dignity, as representing others, or as proprietors of Land, is a matter which cannot be determined. Information as to the constituent parts, and the rights of the members of these Assemblies, is wholly wanting.

The Saxon Institutions were then, in a degree, the basis on which the Laws stood under William I., but he made many alterations, and some particularly affecting the constitution of the Legislative Assemblies of his time. The Norman Conquest was a subversion of the Titles to landed Property, which was distributed to his own followers, and to the Saxon Proprietors, by Tenures different from those enjoyed under the Saxon Institutions; and as Property is the principal object of Laws, and property in Land was then the most valuable property, its influence probably decided on the nature of the Constitution of the Legislature by which that property was to be regulated. It is evident, that, under such circumstances, far the largest portion of the people could have no influence in the government, or have any claim to a participation in the function of enacting Laws.

Supposing, however, that the Saxons were in possession of such legal and constitutional Assemblies, and that they were or were not maintained by the Conqueror and his Successors, the influence of the free Saxon Institutions, may still have gradually prevailed, and may have been operative in the formation of those Parliamentary Councils, which were convened in the 49th Henry III., if not before, in the reign of Edward I., and of all his Successors to the present period.

It has been stated, that, under the Normans, the Public Assemblies of the Kingdom were distinguished by the appellations, Concilium, Magnum and Commune Concilium, Curia, and Baronagium. (c)

Of these, the First was the King's Ordinary Council, consisting of Prelates, Earls and Barons, selected by himself, and assisted by the Chancellor, Chief Justiciar, the Judges and other Officers of State. It was not only a Council of State, but the supreme Court of Justice, and met three times every year at the great Festivals of Easter, Whitsuntide and Christmas: sometimes, at Michaelmas, and, at other times, also, by adjournment.

The Magnum Concilium was a larger Assembly of Persons of Rank and Property, convened on extraordinary occasions.

The Commune Concilium was a still more numerous body collected together for more general purposes.

The two last Councils of State were usually convened on an adjournment of the King's ordinary supreme Court of Justice. They were, in fact, the King's great Court, constituted differently, according to their different functions. The term, "Curia" was, on this account, applied to them, as it was also, to the Assemblage collected at the seasons above mentioned, for the purposes of Hospitality and royal Dignity, and for the administration of Justice.

The Commune Concilium of the Charter of John is so mentioned with respect only to the Imposition of Scutage and Aids, and depended solely on Tenure in Chief of the Crown.

At the close of the reign of Henry III. the Curia Regis was called the King's Parliament, a term then employed to express any Assembly met for purposes of Conference; and at length this Court was distinguished as the

(c) See the Lords' Reports touching the Dignity of a Peer of the Realm, for many of the following observations.

King's Parliament, and is supposed to have possessed all the powers of the Four Courts, of Chancery, the King's Bench, the Common Pleas, and the Exchequer. It thus appears, that the words "*Curia Regis*," and "*Parliamentum Regis*," did not originally denote a Legislative Assembly, but only the King's Select Council and Supreme Court of Justice. With this might, however, also be convened an extraordinary Legislative Assembly.

The King's Ordinary Council assisted him in the exercise of his Royal Prerogative, and gave a sanction to his Acts. It was his Prerogative to make Laws to a certain extent on his own authority, but beyond certain limits, the consent of a larger Assembly, the *Magnum* or *Commune Concilium*, was necessary.

Under Edward I. the Four Courts were denominated Parliaments, and in the 27th Edward I. the meetings of the King's Ordinary Council and Court of Justice were usually termed Parliaments, as well as the Great Council of the Realm. (*d*)

In the 3d of Edward II. the word Parliament was beginning to be used to express a Legislative Assembly, rather than in the sense in which it was originally used as expressive of a Meeting of the King's Ordinary Council, and Great Court of Justice.

The Term *Baronage* seems first to have been used under Henry III., and then evidently meant the Great Council, consisting only of Barons. It was also so employed by the Ordainers, under Edward II., who included under it the elected Prelates, Earls, and Barons. In other and later instances, it seems to have been meant to extend to all who had a voice in Parliament. (*e*)

The Persons, who were convened to the Great and Common Councils of the earlier Sovereigns, are variously described by the words *Barones*, *Proceres*, *Magnates*, *Primates*, *Antiquiores* or *Nobiliores Regni*, *grantz Seigneurs*, *Grantz*, or more particularly, as Archbishops, Bishops, Abbots, Priors, Earls, and Barons.

According to the usual obligations of feudal Tenure, the immediate free Tenants of every superior Lord were bound to attend the Court of that Superior, and the King's immediate Tenants were bound to attend his Court. The Constitutions of Clarendon, in the reign of Henry II. shew, that the King had a right to require the attendance, at his Court, of such as were deemed his Barons, Spiritual, as well as Temporal; and the Charter of John proves that all those who held in Chief of the Crown, or at least by Military Service, had a right to be summoned to a Common Council of the Realm, in order to give validity to the grant of an extraordinary aid. It appears, however, that such attendance was not always necessary for Legislative Acts, which brought no charge upon the People. General powers of legislation were deemed to belong to the King, by his own Authority, or with the sanction of his Select Council.

It is not evident that any of the Conqueror's Assemblies, ordinarily convened at Easter, Whitsuntide, and Christmas, ever acted legislatively. All who composed the Great Council of the Realm were included under the general appellation of Barons, whether distinguished by Ecclesiastical Dignities, or by that of Earl. All Ecclesiastics who held possessions of the King, in *Capite*, were deemed to hold, "*Sicut Baroniam*," and were required, like other Barons, to do homage for them, and attend the King's Council until it exercised Criminal Jurisdiction. The Earls, before John, were created by Patents of the Crown, giving a Title of Dignity, which was not a consequence of Tenure of Lands. As such they were distinguished from the rest of the Barons.

(*d*) See Introduction, Chap. 2.

(*e*) Matthew Paris applies the term *Baronagium* to the Assembly consisting of all the "*Magnates Anglie*," 26 Hen. 3, 1242. *Lords' Report* i. 89.

But, though this had been the true Constitution of the Government long previous to the Charter of John, the practice was often otherwise. The inconvenience and expense of attendance probably induced many to neglect their duty, and though owing Suit to the King's Court rendered the Tenant one of the King's Barons, none probably attended but such as were specially summoned.

Under Henry II. the lay and ecclesiastical Jurisdictions were completely separated, and the Clergy became amenable to no other than Ecclesiastical Jurisdiction. The King assumed a right to compel the attendance of the Prelates in respect of their Lay Fees alone, and the Clergy claimed the right to be taxed as such, only of their own gift, and in their separate and distinct Conventions.

It is the opinion of some writers that, in the Councils of our Saxon Kings, Knights, Citizens, and Burgesses, were included with the Nobles under the term *Sapientes*, an opinion chiefly derived from a volume, intitled, "*Modus tenendi Parliamentum*," the spurious character of which has been completely demonstrated by Prynne, in his *Brief Register of Writs*. Others refer their origin to the Parliamentary Council held at Salisbury, 16 Henry I., which opinion the same distinguished Antiquary has refuted in his "*Plea for the Lords*." (f) Cotton, Selden, and this Author, believe that Writs were first issued for electing Knights, Citizens, and Burgesses, about the latter end of Henry III., and that the first Writ now extant, as is confirmed by more recent inquiries, was that of 49 Henry III., before which it cannot be established by History or Records, that any Commoners, *elected by the People or others*, were called to our Great Councils and Parliaments, as Members of the same. The most ancient Writ which seems to prove that such Summons existed, was that of 6 John. But the evidence is quite insufficient to determine that the "*omnes Fideles nostri Angliæ*" had reference to any Knights, Citizens, or Burgesses, while the Great Charter indicates very clearly who were the Persons thus designated. After mentioning the Summons of the Archbishops, Bishops, Abbots, Earls, and Greater Barons, it adds, "*et præterea faciemus in generali per Vice Comites et Ballivos Nostros omnes alios qui de Capite tenent de Nobis, &c.*"

The first apparent attempt to summon the Tenants of Mesne Lords who had no voice in the Legislative Assembly, and also the inferior immediate Tenants of the Crown, was in the 15th of John, when, either on the authority of the King's Prerogative, or at the mere will of the Sheriff, certain Knights were summoned to Oxford in arms, and Four discreet Knights from each County, to be elected in the first County Court, "*ad loquendum*." This proceeding seems to have been without precedent, and the first example of Representation.

But this Summons appears rather to require attendance at a Military Camp, than at a Parliament, or Parliamentary Council, and the four discreet Knights to have been called rather as Inquisitors or Grand Jurymen upon a special occasion, well described by Matthew of Paris, than as Knights of the Shire to a Parliament then held. (g)

The Charter of John affords the first authentic evidence as to the Constitution of the Legislative Assembly, called the Great Council. It consisted of certain persons, who were required to be personally summoned by the King's Writ, and of others, as above stated, who were to be summoned generally; the latter, certainly, the former, probably, with reference to their holding Lands in Chief of the Crown. From this Charter, no inference can be drawn, that Cities or Boroughs had any share in such Assemblies.

By whatever Authority other Laws might be made, such an Assembly was alone competent to grant an extraordinary Aid to the Crown.

(f) *Plea for the Lords*, p. 165, 163

(g) *Hist. Angliæ*, p. 224, 231, &c.

In this Charter, the *Majores Barones* are first distinguished from the rest of the Tenants in Chief. They may have been those whose Persons and Property made them well known to the King's Officers, and who were, therefore, summoned to perform their military duty by special Writs, whilst the more numerous body of Tenants in Chief were summoned only generally. (h)

From the Conquest to the close of John, the King's Council was a Council of Barons. The Proceres with the Prelates represented all the Landed, if not the Commercial Interest, of the Country.

The Charter of John was not, however, considered as definitively settling the Constitution of the great Legislative Assembly even for granting Aids. The Charters of the 1st and 9th of Henry III., omit the *Clauses respecting such Constitution*, and reserve the subject for future consideration. The Charter of John was, in fact, superseded by that of the 9th of Henry III., which has ever since been recognized as the Great Charter of Liberties.

In the 38th Henry III., occurs the first unequivocal instance of an attempt to substitute Representatives, elected by bodies of men, for the attendance of individuals, in an Assembly convened for obtaining an Aid. Writs were issued for the election of Two Knights (*Milites*) in each County. This again seems to have been a Convention of Military Tenants only, and the elected Knights might also be summoned personally as such.

It is, moreover, evident, from a perusal of the Writ itself, that these Knights were not summoned to a Parliament, but only to appear "*Coram Consilio nostro*;" not to confer with the Nobles, who were summoned to appear a week afterwards, not to make a Parliamentary Grant in a Parliament then not *in esse*, but to declare to the King's Council what voluntary Aids, the different Counties would afford, under very pressing circumstances.

The Parliament at Oxford, in the 42nd Henry III., consisted only of persons to whom the appellation of Barons might be applied.

In the 45th Henry III., three Knights out of every County were summoned by the Barons, then at variance with the King, to treat with them concerning the common affairs of the Realm. Our Histories make no mention of this Writ, or of the election of the Knights, who were probably nominated by the Barons themselves. By other Writs, the King, to divert them from confederating and meeting with the Barons, summoned them to attend him at Windsor, as witnesses of the Treaty of Peace intended between him and his Barons.

In the 48th Henry III., a Parliamentary Council of Prelates, Lords, Nobles, and Barons, summoned by name, granted a Tenth to the King, and that the "*alii Fideles*" of the Writ, meant the rest of the Prelates, Barons, and Nobles, is clearly evinced by the Writ to the Clergy, which declares that the Grant was made "*per Prælatos et Magnates*" only.

In a Writ of the same year, "*Milites et alii qui Servitium debent*" are summoned to a Military Council at Oxford, "*cum Equis et Armis*," at which Council, the Barons and great men alone counselled and advised the King, as is declared by the Clause "*De Baronum Consilio et Magnatum Nobiscum existentium provisum est.*" These Writs supply a clear proof that in the 48th Henry III., no Knights, Citizens, and Burgesses, but only the Spiritual and Temporal Lords were summoned to Parliament.

The very first Writ wherein express mention is made of Writs to Sheriffs or others to send Knights, Citizens, and Burgesses to Parliament, is in the 49th Henry III.

In this year, a great Council was convened, consisting of certain persons,

(h) See Selden's *Titles of Honour*, p. 738, for his discussion "on the alteration of great moment, which from the later time of John to the middle of Richard 2, fell among the Barons and Baronies of the Kingdom."

both of the Clergy and Laity, summoned personally by the King's Writ, and of others required to attend by Writs directed to the Sheriffs of some Counties, to the Cinque Ports, and to certain Cities and Boroughs—from the Counties, Two most legal, "probi," and discreet Knights, Four from each of the Cinque Ports, and two Citizens from York and Lincoln, and Citizens and Burgesses of the most legal, "probi," and discreet, from the other Boroughs of England.

The King was then a Prisoner in the hands of his Barons, and this proceeding does not appear to have been authorized by any express Law, or by any Precedent. It was not itself precisely followed, as a Precedent, at any subsequent time.

If the Cities and Boroughs, which held immediately of the King, and the Cinque Ports, which also so held, were considered as Tenants in Capite, the only innovation in this proceeding from the Charter of John, which named only such Tenants, was the acceptance of Procurators, or Representatives, instead of Principals. At all events, during the whole reign of Henry III., except, perhaps, in his 34th, 48th, and 49th years, Tenancy in Chief was the ground on which a Summons to an Assembly for assessing Aids, was generally founded.

The first clear evidence of any subsequent Convention of a Legislative Assembly, resembling that of the 49th Henry III., is found in the Documents which prove the Summons of such an Assembly in the King's Parliament, in the 23rd Edward I. Between these periods much obscurity prevails.

The Records of Writs issued after the imperfect Records of 49 Henry III., before 23 Edward I., consist only of Writs for special purposes, issued to Sheriffs, for election of Knights, in the years 18 and 22, and special Writs to individuals probably Barons, *a. d.* 22. It is evident, however, by certain Clauses in the Prologues to the Statutes of Marlborough, 52 Henry III., and of Westminster, 1, 3 Edward I., which mention "the more discreet men, as well of the higher, as of the lower Estate," and the Nobles "and all the Commonalty of the Realm being summoned," that Writs issued upon these occasions, although none are now extant.

The Writs of 22 Edward I., for two Knights to be elected, "*de consensu Comitatus*," and the second Writ for the election of two other Knights, with full power to consent to the acts of the Lords, furnish an incontestable evidence, that the King might summon as many Knights as he thought necessary, and that the numbers so summoned had no influence as to the decision of the measures to be adopted according to the recommendation and advice of the Nobles, who alone constituted the deliberative Body. The Constitution of the Legislative Assemblies seems now to have returned to its old course.

In the 23d Edward I., writs were issued to the Prelates and Proccres as usual, but those to the Archbishops and Bishops, contain a new Clause, called, from its first word, the "*Præmunientes*" Clause, by which they are required to summon to Parliament, the Inferior Clergy, the Priors, Chapters, Archdeacons, of their respective Dioceses, with variations adapted to the state of the particular Churches. The Priors and Archdeacons were to appear in person, the Chapters by One, the other Clergy by Two fit Procurators. Writs are sent to all the Sheriffs (except of Durham and Chester) to cause to be elected of each County, Two Knights, and of each City and Borough, Two Citizens and Burgesses, with full powers to act and consent. The Cinque Ports were not summoned till the Reign of Edward III.

The Cities and Boroughs seem only to have been those of the King's Demesnes, inasmuch as the Grants were made only "*de Dominicis Civitatibus et Burgis*." The Knights did not represent any of the King's Demesnes.

The form, "*Præmunientes*," was used in all subsequent Writs, whenever

the King required the attendance of such a Convention of the Clergy for an Aid in respect to their Lay Fees; but it was not always inserted, and the Clergy assembled under this Clause, formed no necessary part of that Assembly in Parliament, by which Laws were to be made affecting the Estate of the King, of the Realm, and of the People.

This Representation of the Clergy bore, in other respects, a strong resemblance to the Representation of the Laity in the Legislative Assembly.

The power of Legislation was now generally exercised by the King, with the consent of the Lords Spiritual and Temporal, and the Commons assembled in Parliament; but Statutes were afterwards made (A. D. 27) without the attendance of Knights, Citizens, and Burgesses, when no charge was imposed on the People.

In the 34th Edward I., the Bishops, Abbots and *Abbeesses* were summoned "ad tractandum." But the Writs to them, as well as to the Earls and Barons, admitted attendance by Attornies sufficiently authorized, instead of personal attendance. The Procurators of the Prelates were all inferior Clergy, except in one instance, when a Knight was returned as such.

The "Proceres," in this reign, began to be considered as Persons having personal Dignities, and the Commons were only required to give their Assent and not to advise. On the whole, however, the Constitution of the Legislative Assemblies approached the form which is now established, and in the 15th of Edward II., practice had settled this constitution.

The Declaratory Statute of York gave it the sanction of Legislative Enactment. It was declared, that the Legislative Authority resided only in the King, with the assent of the Prelates, Earls, Barons and Commons assembled in Parliament, and that every legislative Act not done by that Authority, should be void and of none effect. It was the first act of this nature since the Charter of John, which appears to have been abandoned as a legislative declaration, though probably truly describing the component parts of a Legislative Assembly to be convened for extraordinary aids. The present Act extended to all purposes for changing the Law of the Land, but in the 18th Edward II. the attendance of Knights, Citizens and Burgesses was still not deemed necessary for all purposes, when authority was not required for a new Law.

The Temporal Lords seem now to have been summoned at discretion, and the foundation of Right by Tenure, began to be overlooked.

With some few variations, the transactions of Edward III. and his Successors afford evidence of the Custom established by practice; and the Constituent parts of the Legislative Assemblies seem as fixed nearly as they now stand.

As Judges of the Parliament, the Peers were a distinct body separate and apart from the Commons, as they still are. Earls and Barons were equally Peers, without distinction of degrees, except as Earls and Barons. The "Autres Grantz," Members of the King's Council, not Earls or Barons, and the Judges were all present in Parliament.

The Commons were generally Petitioners, and the Lords of the King's Council assented. The final sanction was given by the Royal Assent.

In the 15th Edward III., the Privilege of the Peers was determined. A clear and decided personal distinction was declared between such as were summoned, or were entitled to be summoned by Special Writ, as Peers of the Land, and such as were not so summoned, or entitled to be so summoned. This personal Privilege, attaching at all times, is distinct from that Privilege of Parliament which belongs to the Members of both Houses of Parliament.

All the Tenants in Chief had no longer a right to demand a Summons to Parliament, as such. Two Persons elected for each County by all the Freeholders, had been substituted for such Tenants in Chief as had not

Special Summons. The "Gentz du Commun" seem to have been little regarded, except when an Aid was required.

The new Dignity of Duke was created by Edward III.

A Statute, in the 5th Richard II., gave a still more fixed character to the Legislative Body, and, with the 15th Edward II., preserved to the Archbishops, Bishops, Abbots, and Priors, accustomed to be summoned to Parliament, their Dignities; to the Temporal Peers, hereditary Titles; and confirmed to the Counties, Cities, and Boroughs, which then sent Members to Parliament, their Rights of Representation, on the evidence of usage.

The Title of Marquis was introduced by Richard II., by Patent, and he created a Baron, by Letters Patent; probably the first who had been so created.

All the Temporal Lords probably had Lands in Chief, but many derived their Rights and Titles of Dignity from Grants by Letters Patent, not as Tenants in Chief. The Annuities which were granted to those so created, did not lie in Tenure.

The Creation of the Dignity of Viscount took place under Henry VI.

In the Reign of Henry VIII., Wales was incorporated and annexed to England. It was enacted, that Two Knights should be elected for the County of Monmouth, and One for each of the other Shires. One Burgess was to be chosen for every Borough being a Shire Town, except the County of Monmouth.

CHAPTER II.

It has thus appeared, that during the earlier Reigns, the Spiritual and Temporal Lords were the only Members of the Legislative and Judicial Assemblies of the Realm, by whatever name these Assemblies were distinguished, and that, though, under extraordinary circumstances, the opinion and advice of an inferior class of the Community were occasionally asked, the Commons had no real participation in the business of these Councils or Parliaments, before the 49th year of Henry III. The authority of ancient writers on this point is confirmed by the examination of all the Records which relate to those early periods, and which have been discovered and illustrated by the persevering industry of the Antiquaries of the present day.

From these Records the ancient Constitution of England may be still farther elucidated, and from a short summary of the practice, which, in accordance with the King's acknowledged Prerogative, with Law, or with Prescription, successively obtained in regard to the Persons composing the Supreme Legislature of the State, a correct inference may be drawn as to the processes by which their respective Rights and Privileges were established and limited.

From the Writs of Parliament issued at various Periods, we obtain the most precise Information on this subject, and to the learned and indefatigable Prynne, we are indebted for many deductions highly important towards a thorough knowledge of the Constitutional history of the Country.

As the Spiritual Lords and Barons are mentioned in all great Councils, Parliaments, Prologues and Acts of Parliament, before the Temporal Lords and Barons, so for the most part the Writs of Summons directed to them

are first entered. This rule seems to have had few exceptions. The Princes of Wales have, now and then, Precedence, and, very rarely, other Temporal Peers.

The form of Writs to the Archbishops and Bishops vary. Those to Councils and Convocations differ from those to Parliaments. In the Writs to Councils of State, the Clause "*Præmunientes*" is wholly omitted. It appeared only in those to Parliaments, and was then inserted, or not, according to the pleasure of the King.

There was no general Summons to all Archbishops, Bishops, Abbots and Priors holding by Barony, to all Councils of State, but to such only as the King and Council thought meet; whereas they were usually all summoned to Parliaments. The numbers, however, of those so summoned varied, at times, in consequence of vacancy of Sees, from death, or Translation.

In Summons to Parliament and great Councils, the Bishops, Abbots, Priors and Clergy had all particular Writs, and, in many instances, Special (Second) Writs, directed to the Archbishops, commanded them also to summon the Bishops and others in their Diocese, for the purpose of preventing delay, or neglect of attendance. (i)

The number of Abbots and Priors who were summoned varied at different times, either in consequence of vacancies or death, or because it was ascertained that they held no Lands by Barony, or Knights' Service from the King, but only in Frankalmoine; or because their attendance was dispensed with by Act of Special grace. (k)

The number of Archbishops, Bishops, Abbots, Priors and Ecclesiastical Persons was for the most part equal to, and very often far exceeded the number of the Temporal Lords and Barons. In 49 Henry III., 120 Prelates and only 23 Temporal Lords were summoned. In 23 Edward I., the Spiritual Lords were 77, the Temporal Lords 63; and the same year, 90 Spiritual and only 50 Temporal Peers were summoned. In 24 Edward I., the Spiritual were to the Temporal Lords as 91 to 43. In other Parliaments, the Temporal Lords exceeded the Spiritual in number, as in 27 Edward I., when the Temporal Lords were 90, the Spiritual, 63; but in 28 Edward III., again, the latter were 102, and the former 89.

In most Summonses during the Reigns of Henry IV., V. and VI., the Spiritual Lords were nearly double the number of the Temporal Lords, in consequence of the absence of the latter in actual service, in war, or from other causes. Proxies or Proctors of the Spiritual Lords were sometimes authorized by the writs themselves; at other times, they were strictly prohibited.

The King, Temporal Lords and Commons could not legally impose any Aids, Subsidies or Taxes on the Clergy, without their special grants in Convocation, according to the great Charters of Henry I., King John, Henry III., and a particular Act of 8 Henry IV.

The total number of Abbots ever summoned was 122, and of Priors and Masters of Orders 41, altogether 163; besides 5 Deans, the Official of the Court of Canterbury and the Dean of Arches. (l)

Some of these were only summoned once; others, variously, to 8 or 10 times, and never afterwards. At the latter end of Edward III. only 25 were constantly summoned.

It appears that our Kings by their Prerogative and Royal Authority alone, summoned what Abbots and others, they thought fit, but that the

(i) See Lists of Abbots and Priors summoned, and the form of Writs, Prynn, Brief Register, p. 1., 109.

(k) In Cases where Abbots, &c., were exempted by Special Acts, they were bound by their Act of Exemption to agree to the Proceedings of the Proxies sent by the Clergy to Councils and Parliaments. l. 143.

(l) See Lists of the Abbots, Masters, and Priors of the different Religious Orders, to whom Writs of Summons were sent from the 49th Henry 3, to 23 Edward 4. Prynn, R. l. p. 121.

bare Writ of Summons to Abbots and others *not holding by Barony*, and their sitting in Councils and Parliaments did neither enoble them or their Successors or Heirs, as Peers of the Realm, but only made them *Quasi Peers*, or rather Assistants, and Joint Counsellors with the Lords in Parliament. (m)

That the Bishops, Abbots and Priors summoned constantly, and of Right, were summoned, not as Bishops, Abbots and Priors, but in respect of their Baronies, appears evident from numerous Authorities, particularly that of 51 Henry III., when the Clergy, having been put out of the King's Protection, were not re-admitted to sit in Parliament, till "*Reddita sibi Baronia sua*," and from the Protestation in the Parliament, 11 Richard II. that, "*de Jure et consuetudine Regni, &c.*" it belongs to all Ecclesiastical Persons, "*qui per Baroniam de Domino Rege tenent, Parliamentis Regis Quibuscunque, ut Pares Regni, Personaliter Interesse, &c.*" (n)

The Summons to the *Temporal* differed from that issued to the Spiritual Lords. The words "*Homagio et Ligeantia quibus nobis tenemini*," are peculiar to the former. The words "*in Fide et Dilectione, &c.*" are not peculiar to the Clergy, but are often inserted in the Writs to the Temporal Peers.

The clause, "*in Fide et Homagio*," to the Temporal Lords, implies that they were all, or most of them, Barons by Tenure.

All Lords and Barons before and in 24 Edward III., were Barons only by Tenure, and not by Writ alone, as all were regularly summoned in "*Fide et Homagio*," and not in "*Fide et Ligeantia*," an alteration which was adopted 25 Edward III. As these three terms are occasionally used together, and on other accounts, they are considered, by Prynne, as synonymous. (o) There will scarcely be found, in the opinion of this eminent Author, an instance of any Duke, Earl, Viscount, Lord, or Baron, summoned under Henry III., Richard II, Henry IV., V., and VI., or Edward IV., who was not a Lord by Tenure, or Barony, as well as by Patent, Writ, or Creation.

There is great diversity in the Writs of Summons to Parliaments and general Parliamentary Councils, and to particular Councils, not properly Parliaments. All the Bishops, Abbots, Priors, Earls, Lords, Barons, together with the Judges and King's Council, the Citizens, Burgesses, and Barons of the Cinque Ports, were usually summoned to the one. To the other, some few Spiritual and Temporal Lords only, without any Judges, Assistants, Knights, Citizens, Burgesses, or Barons, or some few only, together with divers who were no Barons of Parliament.

Though the Peers, Temporal and Spiritual, were not allowed to sit when under age, an exception was made in favour of the King's Son. Edward of Carnarvon, the first Prince of Wales, was summoned when he was 19; Edward, eldest son of Edward II., as Earl of Chester, when scarcely 9; Edward, the Black Prince, before he was 20; Richard, his son, Prince of Wales, was called by Writ, before he was 9. Henry VI., in his Mother's lap, presided, in Parliament, before he was 12 months old.

The Terms "*Baro, Barones*," are frequently used in Histories, the Great Charters, and Statutes, in the reigns of John, Henry III., Edward I. and II., and are applied to all the Temporal Lords of Parliament, yet in the Close Rolls and Writs of Summons, none are so summoned but the Barons of

(m) 26 Edward I. Prynne ii., 50.—There is no mention made of any Bishops, Abbots, or Clergy summoned to the Convention at York, the Clergy being then in a *Præmunire*, and under the King's displeasure.

25 Edward I. There are no Writs to the Spiritual Lords.

(n) See Prynne i., 151, &c.

(o) On *Homage, &c.*, see Prynne B. R., i., 194, 200, and Palgrave's History of England, p. 230, 272. The "*Homagia et Fidelitas*," and "*Homagia cum Fidelitatis Juramento*," give some insight into the meaning of the frequent term "*Fideles*," perverted into a distinction of the Commons.

Greystok and Stafford, Edward I. and III., Richard II., Henry IV., V., and VI.

The Title "Miles," or "Chivaler," was given to no Temporal Lords or Barons before 49 Edward III., but was common under Richard II., Henry IV. and V. After the beginning of Henry VI., and under Edward IV., scarcely any Temporal Lords were summoned without it, being all generally knighted for their greater Honour.

The Title "Magister" is only given to one Temporal Lord, Thomas de la Ware, who is constantly so styled from 23 Richard II. to 5 Henry VI. He had probably been in Sacred Orders before the Temporal Dignity descended to him, and this Title is always prefixed before the names of all the King's Council who were Clergymen, as Assistants to the Lords' House.

The Title "Armiger" is once given to John de Audley, 1 Edward IV., who is otherwise always termed Chivaler, 49 Henry VI., 2, 6, Edward IV. This arose probably from an error, this inferior title being not suitable to the Lordship, or Peerage.

The Title "Dominus" is not usually given to any Temporal Lords, except two, before Henry VI. (1) John de Moubray is styled Dominus, Insulae de Axholme, (16 Edward III.); none else having it, till after Richard II. (2) John Talbot is called Dominus de Furnivall, (11 Henry IV.) but none after are so styled, till 23 Henry VI. After 29 Henry VI., this Title is more common.

It is the inseparable Prerogative and Supreme Royal Jurisdiction of the Kings of England, by Special Patents, Writs of Creation, Charters, and Solemn Investitures, to make and create Princes of Wales, Dukes, Marquisses, Earls, Viscounts, Lords, Barons, and Peers of the Realm, and to give them, and their Posterities, a Place, Seat, and Voice, in the Parliaments and Great Councils of England, the Supreme Judicature, and Highest Court of all others, wherein they sit as Judges. All other Judges in the Courts of Westminster, sit only as their Assistants, not as Associates or Fellow Judges with the Peers.

It has been already stated, that one of the *first Barons* created by Patent, whose Patent is extant, was John de Beauchamp, Steward to the Household of Richard II.; and there is only one Precedent of a Baron created by Special Writ, Henry Bromfleet, Knight, who was created Baron de Vescy, 27 Henry VI. He is afterwards called Dominus, not Baro, a sufficient evidence that no general Writ of Summons created Barons, unless they held Lands by Barony.

It has thus been proved, beyond the possibility of contradiction, that the ancient Temporal Earls, Lords, and Barons, usually styled in the Writs of Summons, "Magnates or Proceres," are most essential, necessary, constituent Members of English Parliaments and Great Councils, to which, they always were, and ought, of Right, to be summoned, and that, according to the Constitution of England, no Parliament may or ought to be summoned without them. In all Writs of Summons, the Commons are summoned "*ad consentiendum hiis quæ de Communi Consilio Regni, Prelatorum, Magnatum et Procerum contigerit ordinari,*" and no Treaty or Conference, between them and the Lords and Great Men is ever mentioned. Hence it appears probable that the Lords and Commons never sat and consulted together, as one House, in the Parliaments of England. (p)

The number of Peers summoned to the Councils and Parliaments varied, from many assignable causes. Such were, their absence in Foreign Parts, Special Services, Civil Wars, Attainders, Alienations of Baronies, Deaths, and the Creation of new Peers.

(p) The first particular mention of the separation of the Commons from the Lords occurs 1392, 9 Edward 3, at which time the Commons appear to have no regular Speaker.

The numbers of Temporal Peers summoned, from 49 Henry III., to 23 Edward IV., are given in a Table hereunto annexed.

All ancient Records evince that the Lords were the only original Members of our Great Councils and Parliaments, many hundred years before any Knights, Citizens, or Burgesses, were admitted to them by the King and the House of Lords, who, on their admission, received no Power, Judicature, or Jurisdiction from the Commons, which they had not of right enjoyed and exercised in all precedent ages, not only without the least complaint or opposition of the Commons in any Parliament before 17 Car., but with the ready acknowledgment of their inherent Privileges, and a spontaneous deference to their acknowledged superiority as Legislators and Councillors. (g)

The same Records as clearly evince the fact, that the Old Lords and House of Peers, in no cases, ever exercised so exorbitant, arbitrary, and tyrannical a jurisdiction and illegal Power, as the Commons have, on many occasions, usurped. To the Peers of England is the nation indebted, on the other hand, for the important Charters which guard its Liberties, and for the enactment and preservation of some of its most important constitutional Laws.

Besides the Spiritual and Temporal Peers, certain Individuals have, from very early periods, been summoned by Writ to the Parliaments and Great Councils of the Kingdom, as Assistants to the King and House of Lords. (r)

These Assistants were mostly the King's Great Officers, Clergymen, as well as Secular Persons, who were no Lords, nor Barons of the Realm, his Treasurer, Chancellor of Exchequer, Judges of his Courts at Westminster, Justices in Eyre, Justices Assignes, Barons of Exchequer, Clerks, Secretaries of the Council, and sometimes his Serjeants at Law, with such others as he thought meet to summon.

In later times, the Chief Justices, Chief Baron, and all the King's Justices, Barons of the Exchequer, Serjeants at Law, the Masters of the Rolls, and some Masters of Chancery, have usually been summoned, as Assistants, to council and advise the King and Lords, in all matters of Law and Difficulty, as also to carry Messages, Bills, and Orders, from the Lords to the Commons' House, and return Answers from them upon occasions when they please to return Answers by them, and not by Messengers of their own. (s)

Of these several Assistants, it may be observed—

(1) That they are no essential Members of the Parliament or Great Councils, which may be held without them.

(2) That they vary in number according to the King's pleasure. Sometimes most of them are Deans, Archdeacons, and other Clerks, who had always the Title "Magister" prefixed. At other times, they were chiefly Laymen, and two or three Clerks.

(3) The Chief Justice and other Justices of the King's Court at Westminster, and the Chief Baron, were constantly summoned, in more or less numbers, and the King's Serjeants, frequently. (t)

(4) By "the King and his Council," the King's Justices, and others summoned to Parliaments and great Councils, as his Council, and not as Spiritual and Temporal Lords, seem to be most properly designated.

They were not the Lords of the King's Privy or Continual Council, nor yet the Lords in Parliament, or Parliament itself.

(g) Pryne 1., 440.

(r) The First Writ is 23 Edward 1. See the Forms and their Varieties to 1 Edward 4, Pryne P. 1., 341, 360.

(s) This account of the Assistants in the earlier Reigns may be compared with the List of such Assistants and Officers as given in the Journals of the Lords, Feb. 7, 1643. The Lord Newburgh, Chancellor of the Duchy, Mr. Baron Trevor, Mr. Justice Reeves, Mr. Justice Bacon, Mr. Serjeant Whitfield, Mr. Serjeant Fynch, Sir Edward Leech, Sir Robert Rich, Mr. Page, Dr. Aylett, John Brea, esq., Clerk of the Parliaments, John Bolles, esq., Clerk of the Crown in Chancery, Alexander Thayne, Gent., Usher of Black Rod, John Myler and John Throgmorton.

(t) The first issue of Writs to the King's Serjeants-at-Law, "Servientes Regis," was in 9 and 10 Edward 3.

(5) They were never licensed to appear by Proxies or by Attorneys, as the Spiritual and Temporal Lords sometimes are.

(6) Though not essential Members of Parliament, they yet had great power and Authority, in receiving and answering Petitions, determining weighty and doubtful Cases, and in making Ordinances and Acts, &c., even in the Parliaments themselves.

Besides these usual Assistants, it has been the practice of our Kings to summon to their Councils, upon extraordinary occasions, divers individuals, Knights, Gentlemen and others, no Peers, whose opinion and advice were considered of value and importance. But, as before the existence of the Commons, as a distinct branch of the Legislature, such general Writ of Summons to those who held not by Barony, and are no Lords by Special Creations or Descent, to treat with the King and Lords once or oftener, neither made them nor their Heirs male, in point of Law or Right, Lords or Barons of the Realm for Life or Inheritance, nor gave them Right of Summons, so could they in no respect be considered in the light of Commons summoned as the later Members of the lower House, chosen, according to their qualifications, by the free election of those privileged to make such Election as their Representatives and Attorneys, to manage their own and the general interests of the Nation. Though, before the time of Edward the Third, such occasional Summons are to be found in Records, they were few under him, and after him, no Precedents occur of Spiritual Lords and others Summoned, who held not by Barony: and few of Knights and Laymen summoned to attend the House of Lords. It may however be remarked that from the 49th Henry III., to the last Parliament of King Charles, there is no Precedent of the omission of Writs of Summons to any of the Ancient Nobility, except on the grounds already assigned. (c)

For a long period after that at which Knights, Citizens and Burgesses obtained the privilege of a customary Summons to the Parliaments and Great Councils of the Realm, they were elected, and impowered only, "*ad faciendum quod de communi consilio ordinabitur in præmissis*:" while the Earls, Barons and Nobles were summoned "*locuturi et super prædictis negotiis tractaturi*." The Knights in every Shire were elected in the full County Court, by and for the whole County, from whom they received sufficient Powers for the above mentioned purpose.

The Sheriff's exacted and received from every Knight, as well as from every Citizen and Burgess, elected and returned, special Manucaptors, of good quality, for their appearance at the day and place appointed by the Writ. The number of these Sureties was sometimes four or six, but usually two, and the practice continued through the Reigns of Edward I. and II. till the 12th Edward IV., and 1 Hen. V., though in these later times, they were often omitted.

As regards the Knights, Citizens and Burgesses, manifold varieties and differences in the form of the Writs, both of Election and Prorogation, occur both before, and since the Statutes, Hen. IV., V. and VI, touching Elections.

Before the Statutes 7 Hen. IV. c. 15, 11 Hen. IV., c. 1, 1 Hen. V., c. 1, 6 Hen. VI., c. 4, 8 Hen. VI. c. 7, 10 Hen., VI., c. 2, 23 Hen. VI., c. 15, 9 Hen. VIII., c. 16, 27 Hen. VIII., c. 26, 34 Hen. VIII., c. 13, 35 Hen. VIII., c. 11, the Kings of England had a very large and absolute power in limiting and prescribing in, and by, their Writs to the Sheriffs, Mayors, Bailiffs and others, both the respective numbers, and likewise the *qualifications* of the Knights, Citizens, Burgesses and Barons to be elected and returned. They sometimes commanded Four, but mostly Two Knights; sometimes the self

(c) See Prynn, i., 366.

(e) See Prynn, i., 234-36-40.

same Knights, Citizens and Burgesses to be returned a second time, and new ones to be elected only in place of the deceased, sick, or infirm Members. At other times, they summoned only the moiety of the old Members, to perfect what the whole number had hastily agreed to. They ordered new Elections, in place of those who could not attend, or were doubly returned. They sometimes prescribed Two Citizens, sometimes Four for the City of London, and for each of the Ports; at others, Two Barons only for all the Ports. They sometimes ordered two, at other times, only one Citizen or Burgess for each City or Borough, as occasion might arise, now and then omitting some Cities and Boroughs which before sent Members, and creating by Patents, Writs, or both, new Cities and Boroughs, with power to elect; and creating other Boroughs and Cities Counties within themselves; then issuing Writs to their *Sheriffs, Mayors and immediate Officers* to make their Elections and Returns, which formerly were issued to and made by the Sheriffs of the Counties, without any precedent votes or subsequent consent of the Commons' House. It appears, indeed, an unquestionable fact, that, from the 49th Henry III., till the 23d Edward IV., and many years afterwards, the Commons were never the immediate or proper Judges and Deciders either of the undue Elections, Returns, Numbers, or Qualifications of their own Members, or Speakers. The Kings or their Council, together with the House of Lords, held, in these matters, the entire Jurisdiction.

The general Qualifications of those to be elected, were prescribed by the tenor of the Writs; which were issued according to the King's sole Authority and pleasure, or were modified according to the requisitions of certain Acts granted at the request and Petition of the Commons themselves. The first Writ addressed to the Sheriffs, 15 John, directs them to send "*Quatuor discretos Milites de Comitatu.*"

The Writ of 49 Henry III., prescribes that two "*Milites de legalioribus et discretioribus,*" and two Citizens and Burgesses, "*de discretioribus et probioribus,*" and Four Barons "*et probi Homines de legalioribus et discretioribus Portus,*" should be elected and sent.

The Knights commanded to appear, 22 Edward I., are to be "*de discretioribus et ad laborandum potentioribus,*" also "*legales,*" &c. In the 28th Edward I., the Sheriffs, Coroners and Community of the Counties are directed to send Three Knights, or *others* of the most *honest, lawful and discreet Freeman, (Liberi Homines)* to be elected by Assent of the County.

In 4 Edward III., a Proclamation sent to all Sheriffs, after the Writs of Elections, commands them to send "*deux de plus Leaux et plus suffisons Chevalers et Sergeantz (Esquires, not Serjeants-at-Law) qui soient ni suspicieux de male coveigne, ni communes maintenours des Parties.*"

In 13 Edward III., the Writ is varied, directing that two Knights shall be sent, "*gladiis cincti,*" and two Citizens and Burgesses, "*de discretioribus et probioribus Militibus, Civibus et Burgensibus, et ad laborandum potentioribus,*" according to which clause, none but actual Knights, by *Order*, as well as Tenure, might be elected and returned. The word "*probioribus*" extant in no Writs since 49 Henry III., is here added, and "*Legalioribus*" is omitted.

The Writ 22 Edward III. directs that two Knights "*gladio cincti et Ordinem Militarem habentes et non alii, et duo Cives et Burgenses de aptioribus, discretioribus et fide dignis, Militibus, Civibus, &c.*" shall be elected.

Those to be sent, 24 Edward III., were "*de discretioribus, &c. qui non sunt Placitorum aut Querelarum Manutentores, aut ex hujusmodi questu viventes, sed homines valentes et bonæ fidei et publicum commodum diligentes.*"

The Writ of 26 Edward III. summons "*unum Militem de provectionibus discretioribus et magis expertis Militibus de assensu Comitatus, duos Cives (London) de magis expertis, et unum de Civitatibus et Burgis, de provectionibus, &c.*"

To guard against the election of low and improper Persons, the Writ of 27 Edward III. prescribes, that those elected shall be "*de elegantioribus Personis*," who are to appear personally, and without excuse, on the first day. This term is here used for the first and last time.

Another variety is adopted in the Writ 36 Edward III., which commands the election of Knights, "*de discretioribus, melioribus et validioribus*."

The Writ of 44 Edward III., directs that there shall be chosen two Knights, "*gladiis cincti et in armis et actibus armorum magis probati et circumspecti et discreti, durante Parlamento continue moraturi, plenam et sufficientem potestatem ab ipsis Communitatibus habentes ad consulendum et consentiendum hiis que per nos, et Prelatos, Magnates et Proceres, fieri et ordinari contigerit, favente Domino*."

On complaint made by the People that Sheriffs and other unfitting Persons were elected Knights, an Ordinance made, 46 Edward III., to rectify such abuses, directs that "Nul Home de Ley pursuent busoignes en la Courte le Roy, ne Viscount pur le temps que il est Viscount, soient retournez, ne acceptez Chivalers des Countees, ne que ces qui soient Gentz de Ley et Viscountz ore retournez au Parlement aient Gagez."

In the 47th Edward III., the form is again altered, and prescribes the Election of Two Knights, &c., "*seu Armigeri digniores et probiores et in actibus armorum magis expertis, &c.*" and two Citizens, &c., "*qui in navigio et exercitio mercandiarum notitiam habeant meliorem*." "*Nolumus autem quod tu, seu aliquis alius Vicecomes, aut aliquis alterius conditionis quam superius specificatur, aliquanter sit electus*."

In a Parliament, 7 Richard II., Thomas de Camoys, a Baronet, or Baron of Parliament, and who had been summoned by Writ to this and other Parliaments as such, being elected a Knight of the Shire, a new Writ is issued by the King for another Election. (w)

A Clause is inserted in the Writs of 11 Richard II., for the Election of two Knights, "*in Debatis modernis magis indifferentes*," but before the Election is made, it is superseded and revoked, by advice of the King's Council.

Hence it appears, that though the King may advise and command the Election of two of the best, wisest, most discreet, fit, most elegant and able Knights, Citizens, and Burgesses, and those most able to take pains; and likewise prohibit the election of maintainers of Quarrels and false Suits, persons of ill fame, living by maintenance and dishonest gain, Sheriffs of Counties, practising Lawyers, Barons of the Realm, and other unfitting Persons for public Services, yet he ought not to insist upon any new Qualifications, or Restraints, in his Writs, contrary to the ancient and usual form, liberty and freedom of the People's Elections.

In 5 Henry IV., a new Clause was, however, introduced, prohibiting "*all Apprentices, or any other Men of the Law, to be elected*," as well as the Sheriffs. The probable object of which Clause was to exclude practising Lawyers, who, it was found, could not duly attend the service of the House, and thus neglected the business of the Parliament and Kingdom. (x)

The Writ of 8 Henry VI. directs that only Knights "*gladiis cincti, magis idonei, &c., et similiter in eisdem Comitibus commorantes et residentes*" should be elected. A power is given to the Justices at Assizes to take inquisition as to Persons returned contrary to this Ordinance, and Sheriffs making improper Returns are fined £100.

(w) See Prynne, ii., 119, who gives evidence of the meaning of the word from the "*Hujusmodi Baronetti*" of the Writ itself, and the authority of Selden. It is to be remarked, however, that the Writ as given in the Lords' Report, App. iv., 707, has the words "*Banerettus*," and "*Hujusmodi Baneretti*." It appears, I, 223, that the Lords' Committees have never been able to ascertain the precise meaning of the term Banerettus.

(x) "*Nec Apprenticius aut aliquis alius Homo ad Legem aliquatiter sit electus*," or as Walsingham's Hist. Angliæ, p. 414, explains it, "*qui in Jure Regni docti fuissent aut Apprenticii, sed tales omnino quos constat ignorare cujusque Juris Methodum*."

In consequence of a Petition of the Commons, a new Statute is made, 23 Henry VI., restricting the qualities, abilities, and sufficiencies of Knights, so as to prevent the Election of Persons of mean quality and estates, "which the vulgar rabble of People in these levelling times were over much inclined to." In all succeeding Parliaments of Henry VI., and Edward IV., the Writ directs the Election of "*Milites notabiles, seu saltem notabiles Armigeri, hominesve generosi de natu, eorundem Comitatum, qui habiles sunt milites fieri, et nullus Homo de gradu valetta, et gradu inferiori de essendo milites hujusmodi, existant.*" (y)

It appears that from 7 to 33 Henry VI., there was a strong desire to elect few or none but Yeomen or Gentlemen of mean and inferior Rank, as Knights, Citizens, and Burgesses.

From Edward IV., to the last Parliament of King Charles, the Writs continued nearly alike.

It may be remarked generally as to the Qualifications of Members, that, according to the ancient Constitution of England, no Persons ought to be elected Knights, Citizens, Burgesses, or Barons, but such as are real actual Members of the respective Counties, Cities, Boroughs, or Ports, residing and inhabiting within them, as the Clause in every Writ "*de Comitatu,*" "*de qualibet Civitate, Burgo, Portu,*" incontestably prove, and the Statutes, 7 Henry IV., c. 15, 1 Henry V., c. 1, 10 Henry VI., c. 2, 23 Henry VI., c. 15, declaratory only in this point, precisely enact, and that if any others are chosen, they might lawfully refuse to sit or serve, and their election be made null and void.

According to the same Constitution, on the universal limitation, "*de discretioribus et ad laborandum potioribus, &c. &c.*" all Infants, Ideots, Lunatics, Infirm, Aged, and Sick, or otherwise incapacitated, might be discharged *by the King*, and other Elections be made by his command. (28 Edward I.) It appears also (5 Edward II.) that in case of departure of the Commons from their Parliamentary duties, *without the King's License*, he had, in case of their inability, or refusal to attend, the power to command the Election of other fit Persons in their place. By 6 Edward II., the Commons could neither prorogue, adjourn themselves, nor depart without such license, which was entered upon Record. A Penalty was also imposed upon such as returned not on the day fixed *by the King*.

There are many Statutes regulating the Elections of Knights, Citizens, and Burgesses.

From 49 Henry III., to 26 Edward III., the Writs generally direct the Sheriffs to cause to be elected and appear, two Knights, two Citizens, &c., with sufficient power. In this latter year, the words, "*de assensu ejusdem Comitatus,*" and "*de assensu ejusdem Civitatis,*" are added. The Writs for the County are now directed to the Sheriffs, but those for the Election of Citizens and Burgesses, to the Mayors, Sheriffs, or Bailiffs of each City and Borough, and not as formerly to the Sheriffs. Those to whom the Writs are directed, being required to certify the day upon which, and the persons from whom, they were received.

In 34 Edw. III., the Writs direct that the Knights shall be chosen "*in pleno Comitatu.*"

In all the Writs of Richard II. is inserted the new Clause "*in pleno Comitatu tuo de communi assensu ejusdem,*" in a full County Court by common assent of the County, and not by nomination of the King or others.

In 7 Hen. IV., an Act is made for regulating the former abuses in the elections of Knights of the Shire, (see here p. 165) and the like form of Writs prevailed to 8 Hen. IV., c. 7, when the Statute concerning Elections was made.

(y) By Valectus or Vallettus Prynne understands Esquires or Gentlemen next in degree to Knights, not their Pages or Valets, VI., 57; see also Selden's Titles of Honour, p. 331-2.

18 Henry VI. A memorable Writ is issued in consequence of a disorderly Election of the Knights for the County of Cambridge, stating that "*per ipsum Dominum Regem de avisamento et assensu eorundem Dominorum Spiritualium et Temporalium consideratum fuit tunc ibidem, &c. &c.*" that new Writs should issue for a fresh Election. From which Writ the following conclusions may be drawn. (1) That the Sheriff might refuse to proceed to the Election, in case any Soldiers, or other armed Persons, resort to disturb the Election. (2) That the *King and Lords* were the sole Judges of Elections and Returns, and gave Orders for new Writs. (3) That the Sheriff was authorised to Proclaim against Persons disturbing the King's Peace, and had power to imprison for such Offence.

In consequence of divers Knights, Citizens, and Burgeesses, returned and accepted without due or free Elections, 38 Henry VI., by virtue of the King's Letters of Privy Seal, all the Acts of this Parliament were repealed and made void in the Parliament following, 39 Henry VI.

It has been generally supposed, that the *Electors* of the Knights of the Shire were always the Suitors in the County Courts. That, at which the Elections afterwards took place, was the Court Baron of the County, distinguished from the Sheriff's Turn, at which all Resiants were bound to appear. The Suitors of the County Court Baron, were all Freeholders, and were bound to appear personally every three weeks. The Statute of Merton, 20 Henry III., empowered them to make Attornies to do their Suits for them in the Courts to which they owed Suit. These Attornies were not constituted Members of the County Court as a Court of Justice, though, in after times, some great men concurred, by their Attornies, in the Election of the Knights of the Shire, as Suitors of the Court. (z)

To the County Court, as the King's Court Baron, the persons owing Suit should be the King's immediate Tenants, the Barons, as synonymous with Freeholders. This would exclude all the Tenants of Mesne Lords. The Tenants in Chief of the Crown were, probably, at one time, the only Suitors, or, at least, the sole Electors of the Knights of the Shire. In Cities and Boroughs, the subsequent practice demonstrates, that there was no systematic qualification of Electors established by Law. All Freeholders probably had not, under Edward I., the right of electing Representatives in Parliament. Some Freeholders certainly had such power, and the Freeholders of Cities and Boroughs within the several Shires, if owing Suit to the County Courts, may have concurred in these Elections. For the body of the Laity, in those Counties in which Taxes were usually imposed, some Freeholders of the Counties elected Representatives for the whole. For certain Cities and Boroughs, Representatives were elected by certain persons, according to their various and incongruous constitutions, reducible to no system, and depending principally upon custom and the terms of Charters. In some Cases, the Freeholders in Burgage Tenure returned Members; in others, the Inhabitants at large; in others, both; in others, all the Members of the Corporation; in others, some only; in others, Freeholders in Burgage, with other Electors.

That the Knights of Shires, 1 Edward III., were elected in the County Court, appears from a Return of the Sheriff of Sussex, that from the time of the receipt of the Writ to the first day of the Sessions, no County Court had been held, and therefore no Election could be made; and from various other similar instances.

Under this King, the Knights made grants for themselves and the Commons of the Land, which seems to import that the Knights and Commons for whom they granted, were either Tenants in Chief of the Crown, or Tenants of such Tenants in Chief, and not of any Prelate, Earl, or Baron. The Election of such Knights ought, therefore, to have been by Tenants in

(z) See the Lords' Report *passim*.

Chief, and not by their Tenants, to the exclusion of those of Prelates, Earls and Barons.

In the 50th Edward III., the Commons petition that the Knights should be elected by common election, "de les Meilleurs Gentz" of Counties. The King wills "that they shall be elected by common assent of the whole County;" which seems to import, that all the Freeholders, Suitors to the County Court, shall be the Electors.

At length, the Knights were elected by all the Freeholders of the County, whether holding in chief of the Crown, or of others. The Commons would not propose to charge with the expences of Representatives of Counties, those who had no voice in the Election of such Representatives.

No other principle occurs, on which the usage of Election of Knights of the Shire, commenced subsequently to the Charter of John, can have been founded, but that those who were the Electors, were the persons who ought to pay the elected. It does not any where appear, that Tenants by Copy of Court Roll, ever voted in the Election of Knights of the Shire.

In endeavouring to ascertain who were the Electors of the Citizens and Burgesses, in the earlier periods of our Constitutional History, the only available sources of accurate information are the Returns of the Sheriffs of the several Counties, as well before as after the 26th Edward III.

According to such Returns, the election for Southampton, 1 Edward III., was by the Mayor, Bailiffs, and other Co-Burgesses; and for Ipswich, by the Bailiffs and Community. In his 2nd year, the Burgesses of Derby were the Electors for this Borough. In his 31st, the Bailiffs and Community, by assent of the "Villa," make the election for Yarmouth; and, A. D. 36, the community of the Villa, Scardeburgh, Yorkshire, elect two persons as their "Attornati." (a)

Before the Statute, 23 Henry VI., it was the custom to elect the Knights, Citizens, and Burgesses, on the same day, in the County Court, by Suitors, or others, resorting to it. Four or Five Citizens or Burgesses, whereof the Mayor, Bailiffs, or Chief Officer, formed a part, were sent from every City or Borough to the County Court, there to elect the Citizens and Burgesses, so soon as the Knights were chosen, which was often done, by the same individuals; and to return the Knights, Citizens, and Burgesses, for the whole County, in one Indenture.

In the 7th and 8th Henry IV., on a petition of the Commons, provision was made concerning the Election of Knights, by which, it was apparently intended, that the Election should be by all the Suitors at the County Court, "*au fin que les sufficientes personnes Inhabitantz en le dit Countie y puissent estre pour faire election.*" This Statute seems to have been in affirmance of prior general usage, and is the First declaring who should be Electors. "All who should be present at the time of Proclamation in full County, as well Suitors duly summoned for any cause, as others, should attend the election of their Knights, and those in the County should go to the Election freely and indifferently, notwithstanding any prayer or command to the contrary."

The Special returns for various Counties, Cities and Boroughs which have been collected by Prynne, furnish much valuable information, especially as to who were the Electors, in these instances, at the respective periods.

A. D. 8 Henry IV. The Knights and Burgesses for the Counties and Towns of Cambridge and Huntingdon were severally elected at the same time and place. Twelve Persons elect the Knights for the County, and the Burgesses for the Town of Cambridge; and Eight make the election for the County and Town of Huntingdon. The same form occurs A. D. 12.

(a) With regard to the numbers thus returning, it appears that after the Statutes 7 Hen. IV. c. 15, and 11 Hen. IV. c. 1, the Forms of Returns were altered and made by Indentures, wherein the names of the Knights elected and of their Electors were returned, some inserting more, some fewer names of the Electors, with a general Clause for the Rest. See Prynne ii. 127.

The Election for Bridgenorth (Shrops). A. D. 8, is by Ten Persons, before the Sheriff of the County, and the Bailiffs and other Burgesses.

A. D. 8 and 12. The Mayor and Three other Persons elect the Burgesses for Bath.

A. D. 11. The Election for Leominster is by the Burgesses and Communitas; for Reading, by the Mayor and all the Burgesses; for Wallingford, by the Mayor and all the Burgesses; and the Indenture is signed by Eleven persons.

A. D. 12. Twelve persons elect Knights for the County of Kent, and the same individuals, at the same time, elect Citizens for Canterbury and Rochester. The election for Derby is by Six persons, and "many others of the Community."

A. D. 13. Seven Attornies of the Archbishop of York, sundry Nobles, and *some Ladies*, annual Suitors to the County Court, held every six weeks, are the Sole Electors of the Knights.

The Elections of Knights, Citizens and Burgesses, under Henry V., were made together in the County Court of the Shire, on the same day, by the same persons, and the names were generally returned in One Indenture, by the Sheriff.

In the 1st Henry V., a Statute is made on Petition of the Commons, that the Knights elected should be Resident, and that the Election should be by the Knights, Esquires and Commons of the Counties, and not otherwise; in presence of the Sheriff, and not by Vote, Assent or Commission of those absent; and that the Election for Cities and Boroughs should be by Citizens and Burgesses, Resident and Enfranchised in such Cities and Boroughs, and by no others."

In this year, at a full County Court held at Wilton, Twenty-Six persons chose the Knights for the County, and the same individuals elected Two Citizens respectively for New Sarum, Old Sarum, Wilton, Devizes, Malmesbury, Marlborough and Calne.

A. D. 2. Eight Attornies of Seven Lords and *one Lady*, suitors at the County Court, are the Sole Electors of the Knights for Yorkshire.

At the County Court of Cumberland, held at Carlisle, Fourteen Persons elect the Knights of the Shire, and the Mayor, Bailiff and Nine Citizens, elect two Citizens for Carlisle. As there was no Borough in the County, no Burgesses could be returned.

Sixteen Electors, "*ex assensu totius Comitatus*," chose the Knights for Somersetshire; and at the same time, the same persons elected the Citizens for various places in the County, according to the following proportion. The Mayor and Three Citizens elected two Citizens for Bath. Four Citizens elected the Members for Wells, and the same number, those for Bridgewater and Taunton.

In the County Court of Kent, held at Rochester, Four Coroners and Eight others present, chose the Knights for the County, and the same persons elect two Citizens for Canterbury, and two for Rochester.

In Surrey and Sussex, the Knights, Citizens and Burgesses are elected in the County Courts.

Nineteen persons are the Electors for the County of Surrey, for Guildford, Southwark, Ryegate and Blechingley.

Twenty-Four persons chose the Knights for Sussex, and also the Citizens and Burgesses for Chichester, Midhurst, Horsham, Shoreham, Lewes, Grinstead.

Twenty-Four Electors return the Knights for the Counties of Dorset and Somerset, in the County Courts. On the same day, Four of the above persons elect Burgesses respectively for Dorchester, Bridport, Shaftesbury, Wareham, Weymouth, Melcombe, Lyme. The same practice held in the years, 3, 5, 8 and 9 of this King.

Eleven Perions, and "many others," elected for the County and Borough of Warwick, and made a Return, by one Indenture.

The Mayor and Thirteen others were the Electors for the City of York, and the Mayor and Eleven persons, for Hereford.

At Yarmouth, the Election took place in the presence of Four Electors, who put their Seals to the Indenture.

The Mayor and Nineteen elected the Members for Lincoln, in the presence of others, "*fide dignos*."

In the years 1, 2, 3, 5, 8, and 9, Henry V., the election for Oxford was by the Mayor, Aldermen, Bailiffs, and whole Community of the "Villa."

For the County of Wilts, Knights, Citizens, and Burgesses, were jointly elected and returned.

In the 3rd Henry V., a considerable portion of the Freeholders of many Counties were, according to usage, *exempted from the burthens of wages of Knights of the Shire*, and therefore ceased to be Electors. No Laws were however made on the subject of Wages. Neither were any Regulations made on this subject, even on the subsequent incorporation of Wales with England, by Henry VIII.

A. R. 5 Henry V. The Mayor and Three Citizens were the Electors for Bath; Seven, with the consent and assent of their Co-Citizens, for Wallingford; the Mayor and Eleven others for Hereford, and Twelve Burgesses for Bedford.

A. R. 8 and 9. The Attornies only of Nobles and *Ladies*, and Knights' Suitors, made the election for Yorkshire, and sealed the Indentures.

In the years 1, 2, 3, 5, 7, 13, 20, 27, 28, 29, 33, of Henry VI., the form of Election for Bath continued as in 5th Henry V.

In the years, Henry VI., 1, 2, 3, 5, 7, the Attornies only of Nobles, Barons, Lords, and *Ladies*, and Knights' Suitors, made the election of Knights in the County Court of Yorkshire, and sealed the Indentures.

A. R. 2. Eighteen Electors, in full County Court, with other "*probi et ligei*" of the County of Lancaster, elected the Knights; and as no Cities or Boroughs of this County ever sent Members, no returns were made of such. Annis R. 7, 20, 28, 29. A Similar Indenture had the addition, "*Nunquam ante hoc tempus propter eorum paupertatem (inopiam) et debilitatem venire solebant*."

A. R. 7. Twelve Burgesses elected for Huntingdon.

Annis, 20, 25, 29, 36. The Knights and Citizens for the County of Kent were elected at the same time.

Annis, 8 and 10, Henry VI. A Statute directs that the Knights of the Shires shall be elected by Forty Shilling Resident Freeholders; and, A. R. 23, the Sheriff is commanded to send to the proper Officers of Cities and Boroughs, that the Election should be made by the Citizens and Burgesses, but who were such is left to usage, when not regulated by Charters of the Crown.

A. R. 25. In Yorkshire, the form and manner of election was changed. The Election and Return were made and sealed by the Freeholders of the County, and not only by Noblemen, Ladies, and their Attornies. Forty-one Electors of this County, "*libere et indifferenter eligerunt duos Milites magis idoneos et discretos ejusdem Comitatus*;" and the same practice obtained annis 27, 28, 29, and 33.

Thirty-one Electors chose the Representatives for the County and Borough of Gloucester.

Twenty-one, Esquires "*et Generosi*," elected for Sussex Two "*Armigeros Notabiles*," who had most votes among those who had 40s. freehold per annum.

Thirty persons assembled at Guilford in full Shire, elected two Knights for Surrey, to do and consent to such things as should be ordained.

The Mayor and Ten others elected the Burgesses for Bedford; and the Mayor, Bailiffs, and Thirteen others for Cambridge.

A. D. 25. The Mayor and Two Bailiffs, of common assent, elected two Members for Northampton. Two Coroners, the Custos, and twenty-four Citizens, for Norwich. Thirty-five "Probes Hommes" for Newcastle-upon-Tyne. The Mayor, two others, and the whole Community for Oxford. Four Electors for Wycombe. The Mayor and Community of Burgesses, for New Windsor.

A. D. 27. Twenty-nine Electors, elected Knights for the County of Devon, and the same individuals, at the same time, chose the Members for Seven Cities and Boroughs. A similar practice obtained in the years, 21, 29, 33.

Two Members are returned as elected for Grimsby (Lincolnshire) by two Bailiffs.

A. D. 28. Twenty-three persons, present at the Proclamation by the Sheriff in the County Court of Northumberland, elected Two Knights, who themselves voted for their own Election.

Two Bailiffs, in the presence of Seven Burgesses, elected the Members for Dunwich; and Two Bailiffs deliver to the Sheriff of Gloucester the names of two Burgesses, elected by Twelve other Burgesses.

Two Bailiffs cause to be elected, in the presence of Fourteen Electors and other Resident Burgesses, two Burgesses for Ipswich.

A. D. 29. The Mayor and Bailiffs, with the assent of the whole community, elected the Members for Portsmouth; and Fourteen Electors, those for Worcester.

One Knight, two Esquires and two others, "*et alii notabiles armigeri, generosi et homines libere tenentes qui expendere possunt 40 solidos per ann., &c., prout patet in quadam certificatione,*" elected two "*notabiles Armigeros infra Comitatum commorantes et residentes,*" for Cambridgeshire and Huntingdonshire. The Indenture was signed by the Sheriff and Four other persons. A Declaration, signed by 124 Freeholders, complaining of a false return by the Sheriff of Huntingdonshire was also sent to the King.

A. D. 33. Six Burgesses are the Electors for Colchester. Four Burgesses, by assent of the rest, elected the Burgesses of every Borough in Dorsetshire, and returned them by a joint Indenture. Six Burgesses elected the Members for Maldon.

A. D. 38. The Mayor and Bailiffs and Twelve others made the Election for Chichester. Fifteen, for Nottingham. Five, and many others dwelling and residing in the Borough, for Guildford. Twenty-five for Kingston-upon-Hull. (b)

These instances, to which many others may be added, are sufficient to shew the manner and form of Elections even in those periods of our history when the Constitution of the Legislative Assemblies is generally supposed to have been established on a regular and secure basis. The period of the Tudors and Stuarts will not be selected as more perfect examples of constitutional integrity in this respect, though the abuses which sprung up under their government, gave rise to arrangements more legitimate, and less capable of violation.

If Representation was only the result of the precept, 49 Henry III., to the Sheriffs, "*Quod venire facias duos Milites sing. com., &c.,*" and after-

(b) The form of Election for the Borough of Lynn Regis in the years 11 and 15 Hen. VI., is preserved in their Hall Books, which record Portions of the Proceedings of the Corporation of that Borough from the year 1430 to 1731. On June 17, 1433, 11 Henry VI., "The King's Writ was publicly read for electing Members of Parliament: and for electing them, the Mayor called two of the Twenty Four, and two of the Common Council, which Four chose two more of the Twenty Four, and two of the Common Council, which Four chose Four others, who all unanimously chose John Waterden and Thomas Spicer to be Burgesses in Parliament." Again, Jan. 7, 1437, 15 Henry VI., "Two of the Twenty Four and Two of the Council were called by the Mayor, by the Assent of the whole Congregation, who called two others, who called two more, and these Eight called Two, and these Ten called Two, which Twelve were charged, being sworn according to custom to preserve the liberty of the Town, to choose Two Burgesses for the Borough of Lynn, to go to the Parliament on the 21st day of January next ensuing, to be held at Cambridge or London. See *Archæologia*, Vol. xxiv, 1832.

wards of Edward I., "*Quod eligi facias, &c., de dicto Comitatu,*" it is not surprising that a great variety should obtain in the practice of different Counties, in the selection of Cities and Boroughs, in the manner of Election, or in the Levy of Wages.

The difficulty which prevails with regard to the character of the Electors, exists in no less a degree as to the principle adopted in the selection of such Cities and Boroughs, as were to send Representatives.

Those which are named in the Writs of the 49 Henry III., the Cities of York and Lincoln, and the Cinque Ports, held immediately of the King, as did also the places required to send in the 11th Edward I., except Chester, of which the King then held the Earldom in his own hands, and Chester held of the Earl.

Edward seemed, even in his 23d year, to exercise a discretionary power in issuing Writs for Cities and Boroughs. After the Charter granted in his 25th year, the Convention of Knights, Citizens and Burgesses became a necessary measure, whenever the Crown required an Aid, but the principles by which the Cities and Boroughs were selected, is involved in great obscurity.

According to Prynne, the whole number of Cities, Boroughs and Ports to which Writs were issued under Edward I., II., III., Richard II., Henry IV., V., VI., and Edward IV., was but 170. Some of these made no return, and had no second Writs, thus reducing the number to 161. Many of them returned but once, others only four or five times, others, again, after a long discontinuance. New Boroughs received Writs and returned under Edward II. and III., Henry VI., Edward IV.; and after his time, new Boroughs, though poor and inconsiderable, were set up by later returns, "by the practices of Sheriffs or ambitious gentlemen, not by prescription or Charter."

This Author ascribes the origin of Boroughs "not to custom or prescription, nor the Charters of Kings, but to the Sheriff's Precepts directed to such Cities and Boroughs as they thought meet, by the authority granted under the general Clause in the King's Writs of Summons, each Sheriff using an arbitrary power in the execution of the Clause, according to his judgment, or his affections of favour, partiality, malice, or the solicitations of Boroughs or Competitors." Hence it happened that some Sheriffs returned more than their Predecessors, others fewer. Some poor Boroughs refused to make any election by reason of their poverty, inability, or as having no fit persons to elect, or any who would serve. Others constantly sent, except under peculiar circumstances. Others were constrained to send Members against their will, and made complaint to the King, who relieved them of the charge and trouble. Others again were discharged by the Sheriffs, or at their own desire obtained temporary or perpetual exemptions, from the King; and thus lost their privilege.

That the Sheriffs, erected, nominated, returned, omitted, discontinued, revived, and re-continued Boroughs, according to their own will and pleasure, seems evident from the returns for Lancaster. Under the Three first Edwards, thirteen Sheriffs returned Members thirteen times for Lancaster, and six times for Preston; and yet, in twenty-six intervening years, other Sheriffs make the return, "*Non est aliqua Civis neque Burgus in Balliva mea,*" or none that could send, "*propter paupertatem;*" or, again, none, "*qui ad aliqua Parliamenta retroactis temporibus venire consueverunt.*"

In 26 Edward I., the Sheriff for Bucks returns, "*Nulli sunt Cives, &c.,*" yet, in 28 Edward I., two Burgesses each are returned for Amersham, Wycombe and Wendover. The Sheriffs' frequent Return, "*non est alia Civitas vel Burgus in Comitatu,*" though, in Parliaments immediately following, Returns are made from other Boroughs in the same County, indicates either such exclusive Power on the part of the Sheriff, or that such Cities or Boroughs were, in consequence, perhaps, of such defective Return,

created by Special Patents or by direction of the King, near the year of the last Return.

That some Cities or Boroughs, which appear in subsequent Returns, were often omitted from the mere carelessness of the Sheriffs, is made evident from the Statutes, 5 Richard II., Parl. 2, c. 2, for punishing Sheriffs who leave out Cities and Boroughs which are bound, and of old times wont, to send Members; and from Statute, 22 Henry VI., c. 15. The same omission occurred from the default of such Cities and Boroughs themselves, in not demanding Warrants, or in not electing and returning Burgesses upon the issue of the Sheriff's Warrants; in consequence of which neglect, the Return was, "*Nullum mihi dederunt Responsum.*"

It has been stated that several Boroughs, by direction of the Sheriff, or under other influence, returned Burgesses three or four times, very much against their wills and desires, and never elected or returned any afterwards. Such appears to have been the case in the frequently cited case of the Borough of Chiping Torington, Devon, though their claim of exemption was not as complete as it was then represented by themselves. In 42 Edw. III., they urged by Petition to the King, "*That they ought not to be so burdened with sending men, neither did they send any before the 21st of his Reign, when the Sheriff maliciously returned into the Chancery, that the said Town was a Borough, and so, from that year, by Pretext of the said Return, the Town had been many times put to great pains and expenses, to their no small grievance and damage, and manifest impoverishing.*" Upon this Petition, the King granted them an exemption by Patent. It may, however, be remarked, that whatever might be the Power or Malice of the Sheriff in the year 21, this Borough had, in fact, sent Burgesses to 17 Parliaments before that year, though in the three immediately preceding, 17, 19 and 20 Edward III., the Return had been "*Ballivi nullum Responsum dederunt.*" From 21 to 42 Edward III., they had also sent Burgesses to 11 Parliaments. Notwithstanding these Precedents the Patent of Exemption was granted, and notwithstanding this Patent, they were obliged to send Burgesses, annis 43, and 45 Edward III. After which they never elected or returned any Members.

Some ancient Boroughs and Ports, which never sent above once or twice, or very rarely, have, after a discontinuance of one or two hundred years, a term which entirely subverted their claim of Prescription, or "*Custom time out of mind,*" (the supposed Title of most ancient Parliamentary Boroughs sending Members) been revived and erected, either by Special Charters, creating them Boroughs, by the general Clause in the Sheriff's Writ, or, in later times, by the mere Order of the Commons, without the previous or concurrent assent of the King or Lords.

The *poor and decayed Boroughs*, as they are called, of Cornwall, Devon, Wilts, Hants, Sussex, &c., which were so denominated even in the time of the Long Parliament, the Commonwealth, and of Charles II., have been erected at very different periods. The Cornish Boroughs, Launceston, Liskard, Truro, Bodmin, Helston, and Tregony, first returned Members in 23 Edward I.; Lostwithiel, 33 Edward I.; Eastlow and Fowey, 34 Edward I.; Saltash, Camelford, Westlow, Grampound, Bossiney, St. Michael, Newport, 6 Edward VI.; Penryn, 1 Mary; St. Ives, 4 and 5 Philip and Mary; St. German's and St. Mawes, 5 Elizabeth; Kellington, 27 Elizabeth.

Of the Cities and Boroughs of Devon, Exeter, Totness, Barnstaple, Plympton, Tavestock, returned Burgesses 23 Edward I.; Plymouth, Ashburton, Dartmouth, 26 Edward I.; Okehampton and Honyton, 28 Edward I.; Beeralston, 27 Elizabeth; Tiverton, 18 Jac.

In the County of Wilts, *Old Sarum* returned Burgesses 23 Edward I., then intermitted till 34 Edward III., since which it has constantly sent. *New Sarum* has sent ever since 23 Edward I. *Wilton* continued to send from 23 Edward I. *Dointon* returned Members from 23 Edward I. to 38

Edward III., and except 1 Henry V., ceased till 20 Henry VI. The first Return for *Hindon* is 27 Henry VI., no answer having been made to a Precept 7 Richard II. *Heytesbury* and *Westbury* first made Returns 27 or 28 Henry VI. *Calne* returned Burgesses under Edward I., but except 1 Edward II., and 34, 36, Edward III., intermitted till 2 Richard II. *Devises* sent Members to the Parliaments of Edward I., but made only four Returns, 1, 8, 8, 19 Edward II. till 4 Edward III. *Chippenham*, after Edward I., sent only to 2 of Edward the Second's Parliaments, and to 4 of Edward III., and then intermitted till Richard II., and again ceased sending 12 Richard II., till 1 Henry VI. *Malmsbury* sent Members ab origine. *Cricklade* sent Members to the Parliaments of Edward I., but afterwards only 20 Edward II., and to eight Parliaments of Edward III., and after Richard II., (except 1 Henry IV., and 1, 2, and 9, of Henry V.) ceased sending till Henry VI. *Great Bedwin* and *Lugershall* sent to all Edward the First's Parliaments, to 1 and 8 Edward II., 36, 37, Edward III., and seven Parliaments of Richard II.; but after his 10th year intermitted (except 1 Henry IV.) till 9 Henry V. *Wotton Bassett* first sent 25 Henry VI. *Marlborough* sent ab origine.

No precise account can be given of the causes of these varieties and intermissions. They must be sought in some of the particular accidents which have been already assigned as the sources of the existing constitution of the Legislative Body. The inevitable conclusion, however, which results from this inquiry, is, that the presence of Representatives of the People was in those days considered very immaterial, and that the People themselves used their best exertions to escape from the burden and charges of Representation, while they placed a voluntary confidence in the discretion and judgment of the Sovereign, and his selected or hereditary Counsellors.

Since the Statutes 4 Richard II., 1 Henry V., 23 Henry VI., no Sheriffs, by virtue of the King's Writ, can erect, or enable any newly created, or long discontinued Borough to choose and return Burgesses, whatever they anciently did. The Statutes of 27, 34, 35, Henry VIII., declare, that they can only be created and revived by special Acts of Parliament. "All Boroughs," says Prynne, "which have been erected, or poor ones which have been revived since 23 Henry VI., by Sheriff's Precepts, might justly be suppressed by 'Quo Warranto,' and ought to be disabled, as well for their disability, as the manifold gross disorders, corruptions, and abuses, in selling their voices, by tumultuous, surreptitious, and fraudulent Elections, and false and double Returns, which take up more time of the Commons' House, than all public business of highest concernment."

One evident cause of the disinclination which prevailed, in the earlier periods of our History, to send Representatives to Parliament, was the necessity of paying the Wages of the Members so returned. Many of the Boroughs being unable or unwilling to defray these Expences, either neglected to answer the Sheriff's Writ, or petitioned to be exempted from an insupportable Charge.

The first Writ for levying Wages, "de Expensis," is coeval with the first known attendance of Knights in the Parliament, 49 Henry III. The King's Writ, tested 10 Feb., the last day of this Meeting, directs the Sheriffs to assess, by a Jury of Four lawful Knights, the reasonable expences of the Representative Knights, "veniendo, morando et redeundo," so that the County, "ultra modum non gravetur;" and assigns as the reason why such a Writ was granted, that "idem Milites moram diuturniorem quam credebant traxerint ibidem, propter quod non modicas fecerint Expensas," which it was fit the Commonalties electing them should defray, and not themselves.

Though many of the Writs subsequent to this Period are not now extant, it appears from the Clause "prout alias in casu consimili fieri consuevit," in those of 28, 29 and 33 Edward I., that they continued to be issued at the end of every Parliament.

These Writs were at first very general and indefinite, expressing neither the sum to be paid, the names of those who were to receive payment, nor the term of their Services. In the 28 Edward I., the second Writs that occur, the names of the several Knights, Citizens, and Burgesses, are sent to the Sheriffs of the respective Counties; and in later Writs, the particular sums are specified, with the number of days for which payment is to be made.

In 33 Edward I., by Proclamation of the King, the Commons are ordered to sue forth their own Writs of Expences; a course which was afterwards customary at the end of every Parliament.

In 35 Edward I., the Writs for Citizens and Burgesses are addressed to the Mayors, Bailiffs, and other Officers of the respective Cities and Boroughs, and not, as before, to the Sheriffs.

In 2 Edward II., the Sheriff is commanded to return the Writ of Expences, with a Certificate of the amount levied for Wages, under his own Seal, and that of two Sworn Knights; and the same order is made to the Mayors and Bailiffs, who are to act with two Sworn Burgesses.

The Writs, 16 Edward II., first reduced the wages to a definite amount, namely to 4s. a day for every Knight of the Shire, and 2s. for every Citizen and Burgess, in coming, staying, and returning. The Expences of each Member are ascertained by a sum total, which includes the number of days for which the charge was made, some Members being allowed more days than others, by reason of the remoteness of the different Counties, Cities, or Boroughs, from the Place where the Parliament was held. To those who lived in the immediate neighbourhood, or even in the same County, no extra days are granted, "*veniundo, redeundo*," and payment is awarded only for those on which they actually sat, when, together with their Expences, terminated also their Privilege of Freedom from Actions and Arrest. (c)

The amount of Wages, however, in cheap years, or for other reasons, sometimes varied. Thus, 17 Edward II., the Knights are ordered to receive 3s. 4d. only, and the Citizens and Burgesses 20d.; and 18 Edward II., the former only 2s. 6d., and the latter, *probably*, 15d. Till 15 Edward III., the Knights, *by Order*, received a higher sum than those who were not such, in the proportion, generally, of 4s. to 3s., and the King altered these Expences in a proportion answerable to their respective degrees, and not over burdensome to the Community which paid them. (d)

As the amount of wages varied according to the distance from which Members were sent, it sometimes happened that the days allowed for the Journey to and fro, exceeded those of the actual Session of the Parliament. Thus, 4 Edward III., the Parliament, at Wynton, sat but eleven days, though the Knights, Citizens, and Burgesses of Cumberland, were allowed wages for twenty-seven days, of which sixteen were for the expences of their Journeys. The Parliament at York, 9 Edward III., sat but eight days, but the Members from Cornwall had thirty-two days granted them for Expences.

In the 14th Edward III., the Sheriffs are commanded to make a Return into the Exchequer of all Sums, levied, received, and paid as wages.

In the 28th Edward III., the Commons petition concerning the Expences of Knights of Shires, on a controverted Question between the Tenants of

(c) A single exception occurs 12 Edward 3, when the Parliament sat 11 days, and 12 days are allowed to the Knights for Middlesex, half a day coming, and the same returning. Pryne, iv., 161, by some mistake has 41 days.

(d) Knights, *by Order*, have the addition Chivaler, from which it appears that nearly half or more of those elected were only Esquires or Gentlemen of quality. Pryne, iv., 375.

With few exceptions the Wages for Knights continued to be 4s., and for Citizens and Burgesses 2s., for some centuries, even in the reign of Charles 2, notwithstanding the immense difference in the value of Money. Pryne is of opinion, that, in his day (1660) Forty shillings were scarcely equivalent to 4s. when Wages were first determined.

Lords holding by Barony, and other Freeholders of Counties and their Knights. (e)

In 31 Edward III., an old Clause "*tam infra Libertates quam extra*" has the addition "*Civitatibus et Burgis duntaxat exceptis*," indicating that such as sent Members should not be doubly charged with the Expences of Knights, as well as of their own Burgeses.

In 51 Edward III., the Commons again petition the King as to the manner of levying their Expences, the Lords holding by Barony, having endeavoured to extend the exemption from payment even to their Free-Tenants and Freeholders, against former usage, which limited it to their Demesnes, Villains, or Bond Tenants. (f)

It appears from a Petition of the Commons, 1 Richard II., that all Cities and Boroughs which actually sent no Citizens and Burgeses to Parliament, (as those within the Duchy of Lancaster, Edward III. and Richard II.) did and ought to contribute to the Wages and Expences of the Knights; moreover, that all Freeholders, that held not in ancient Demesne, should be charged as in former times. It appears, also, by a Law Case and Pleading, 8 Richard II., that every Village was, of right, particularly taxed towards Knights' Expences, unless discharged by Prescription, or ancient Tenure under a Bishop or other Peer of the Realm, summoned to Parliament; and that Sheriffs and their Officers might legally distrain for those Expences, if not paid. (g)

In the Parliament, 12 Richard II., upon Petition of the Commons, an Act was passed for the due levying of, and contributing to, the Expences of Knights, by all Lands formerly contributing towards them, though afterwards coming into the hands of Lords of Parliament; which Act ended many controversies between the Spiritual and Temporal Lords, and their Freehold Tenants, and the Knights of the Shire, and other Freeholders charged with Knights' Expences.

In the Parliament, 15 Richard II., the Commons petition concerning contributions, as well by the Free Tenants of Lands and others inhabiting within Franchises as without, who pretended Exemption. The King refers them to the Chancellor, as Judge and Unipire in such Cases of difference.

The Sheriffs, 18 Richard II., having again endeavoured to make all Bishops Copyhold and Villain Tenants, and Tenants in Ancient Demesne, contributory to the Expences of Knights, contrary to former Custom, are restrained by Special Writs of Prohibition and Supersedas, issued out of Chancery; and all Archdeacons and others, are prohibited to compel Clerks of Chancery that were beneficed, to contribute towards the Expences of Bishops, and the Clergy's Proxies, or Clerks in the Convocation. (h)

In the Parliament 2 Henry V., the Commons of Kent, within the Gildable, petition against the Sheriffs who levied the Knights' expenses, contrary to the ancient Custom, upon those who were exempted from any Contribution towards them; by which it appears, that all Knights' Fees, *not* in the hands of the Archbishop of Canterbury or other Spiritual and Temporal Lords usually repairing to Parliaments, ought to contribute to such expences, and that they ought to be levied equally on all such Freeholders, Lords and Tenants, according to former Custom, and not at the Sheriffs' pleasure; farther, that the King was the only proper Judge as to the Persons on whom they should be levied.

The Commons again petition the King, 8 Henry V., that all Cities, Boroughs, Towns, Hamlets and the Resiants within them, except the Lords Spiritual and Temporal coming to Parliament, men of the Church, and

(e) See hereafter, p. 124.

(f) A similar Petition occurs 9 Richard 2. Frynne iv., 385.

(g) See also Frynne, iv., 489-92.

(h) On Clerks of Convocation, see Frynne, iv., 436.

those Cities and Boroughs which sent Citizens and Burgesses, should from thenceforth for ever become Contributors to the Knights' Expences.

In 23 Henry VI., on the Commons' petition to the King, against the abuses of the Sheriffs, who levied more Expences than were due, and appropriated the surplus to their own purposes, a Statute is made to prevent such misconduct in future. There appear to have been few or no alterations in the Form, or the Issue of Writs or Levy of Wages, in the Reigns of Edward IV., Richard III., or Henry VII.

That a similar practice obtained under Henry VIII., is evident from the Statute, 6 Henry VIII., c. 18, which commands that henceforth none of the Knights, Citizens, Burgesses and Barons shall (as is the practice) depart from the Parliament, nor absent themselves from the same, till it be fully finished, ended, or prorogued, without License of the Speaker and Commons, "upon pain to lose all those Sums which they should have for Wages, and all Counties, &c. are clearly discharged of the said Wages." (i)

It also evident from the Statute, 27 Henry VIII., c. 26, enabling the Counties and Boroughs of Wales to elect and send Knights and Burgesses, which said Knights and others are allowed such Fees as other Knights, &c., to be levied and paid in the same form and order. So, also, 34, 35 Henry VIII., c. 13, the Statute for the County Palatine and City of Chester, directs the levy of Wages and Fees for the Knights, Citizens and Burgesses returned.

It appears clearly from all the Preceding Writs, that, according to the ancient Constitution of England, no Knights or Burgesses were bound to serve gratuitously in the Councils or Parliaments of England; and that such Counties, Cities and Boroughs as could not, or would not pay their Members, might not legally make any election or return, and lost their Privilege of sending.

It, furthermore, appears that the Knights, Citizens and Burgesses received wages only for the period of their actual attendance in Parliament, and for the time which was absolutely necessary for their resort to, and return from, the several Places where such Parliaments were held, and that they could not absent themselves a single day from the service of the House, without Leave, in the earlier periods, from the King, and, afterwards, from the Speaker and Commons, except under a forfeiture of their Wages, and the discharge of the several Counties, &c. from the liability to such debt. The same rule applied to any delay which took place in first coming to Parliament, from whatever cause it might arise.

During Prorogations and Adjournments, Expences were allowed only for the days occupied in travelling to and fro. (k)

From these Writs "de Expensis," we obtain very precise information as to the nature and duration of the Privilege of Parliament, as it existed under the Ancient Constitution of England. This appears to have been strictly limited by the number of days for which wages were received, and to have been precisely bounded by actual attendance, and the time required for repairing to and returning from the several Councils and Parliaments. The duration of this Privilege varied, therefore, in each individual Case.

This Privilege of Parliament is a temporary Immunity which our Kings granted to the Members of Parliament and their necessary attendants, during Parliamentary Assemblies, customarily demanded by the Speakers of the Commons at the beginning of every Parliament in behalf of themselves and the Members, and then fully and graciously granted to them by

(i) See Prynn, iv., 514, 540, for Cases of Isle of Ely, and Maddingley, Cambridgeshire, where a permanent compensation is given in lieu of Wages. 9 Henry 3: 34-35 Henry 3.

(k) See 5 Richard 2, Prynn iv., 355; 8 Henry 4, iv., 482-4; 23 Henry 6, iv., 557; 6 Henry 8, iv., 11.

See many Arguments to shew the advantages which were derived from this payment of Wages. Prynn, iv., 6, 545, 615.

the King, as a matter of Custom and ancient Right. The Privileges asked and conceded were threefold; *First*, that the Commons might have free Speech, as of right and custom they have used; and for better attending the public and importunate service of the House, themselves and their necessary attendants might be free, both in Person and Goods, from all Arrests and trouble, according to their ancient Privileges and Immunities. *Secondly*, that in any thing the Speaker should deliver in the name of the Commons, if he should commit any error, no fault might be imputed to the Commons, &c. *Thirdly*, that as oft as was necessary for his Majesty's Service, &c., he might have Access to his Majesty's Person.

From this view of the ancient Constitution, it appears, that (1) No Privilege of Parliament can actually begin before the first day of the Parliament's sitting, because till that very moment there is no High Court of Parliament, and Privilege is dependent on, and annexed to the Parliament.

(2) Privilege is humbly petitioned for, *de novo*, at the first sitting of every Parliament, and then only, *de novo*, granted by the King, who, upon this occasion, has sometimes specially guarded and restricted the concession, "so that by colour of this Privilege, no man's ill doings, or not performing of duties may be covered or pretermitted," 10 Henry IV., 35 Elizabeth.

(3) The Ancient Petition of the Speaker from 3 Ric. II. till the present times, only prays for "*Liberté en Parliament*," and neither extends to any period before, nor after the actual existence of the Parliament, any more than Freedom of Speech does so extend. Moreover, the Writs of Privilege themselves, only claim freedom from Arrest and Imprisonment for the respective Members of both Houses, "*dum sic in Parliamentis morantur*."

(4) No Member can have Privilege before he is an actual Member, and has been admitted into the House. Since 5 Eliz., c. 1, and 7 Jac., c. 6, no one can sit nor claim the Privilege of a Member till he has taken the Oaths of Supremacy and Allegiance. Privilege and the service of Parliament begin together. *Privilegium dari non potest, rei quæ non est*. A Privilege cannot be conceded for a Parliament, which though summoned, may be prorogued, recalled or dissolved before it actually meets, as happened, 23 Edward I., 11 Edward II. (?)

(5) Privilege, ("*proprie quod contra Jus, vel in præjudicium aliorum, debet strictè interpretari, ut minus deroget Juri communi*,") ought to begin from the King's actual concession of it to the Speaker, and expire with the dissolution. Prynne is of opinion, that, according to the ancient Constitution, continued through many Reigns, the Privilege of Members and their domestic Servants accompanying them to and waiting on them during Parliaments, begins the very first day allotted them to set out from their Houses towards the Parliament, so as to be there by the beginning of the Session; that it continues all the time of their stay, and ends with those days after the Session allowed them to return to their Houses, according to their several distances from Places where Parliaments are held, bounded entirely by the days reasonably and indifferently allotted them in their respective Writs de Expensis, for going and returning. (m) Their Expences and the

(1) See Prynne, iv., 623, and Sq. for a Summary of Arguments against the extension of Privilege for 20 or 40 days before or after the actual sitting of Parliament, and also against a previous right from the day of Election. See also p. 1215-18. The only ground and Law for 40 days seems to have been the old and obsolete Charter of John, which does not confine the Summons to that particular number, but leaves it at large, with the general Restriction, "*ad terminum quadraginta dierum ad minus*," which sometimes has been 60, 50, 45 days; and sometimes, under urgent circumstances, 30 or fewer days. In a Case, 2 and 3 Philip and Mary, it is decided in the Lords, with the advice of the Chief Justices, Master of the Rolls, King's Serjeants and Counsel, that Privilege does not extend 12 days after the end of the Parliament. 1b. 1213-1214.

(m) See the evidence which proves, beyond contradiction, that such was the real state of the Case, Prynne, iv., 643. 651, even from our first British Lawgiver, Dunwallo Molmutius, who gave his Protection "*in veniendo versus Curiam nostram, ibidem morando, et exinde versus propriis redeundo*," and from Edward Confessor's "*Pacem habeat eundo, subsistendo, redeundo*," down to 35 Elizabeth, according to the decision of Sir Edward Coke, that no Privilege for release could be granted for a Member taken in Execution upon a Judgment before the Parliament met, citing 2 Edward 4, Brooke, Privilege 44, Dyer, 162-6, and Thorp's case, Parl. 31, H. 6, but

term of their Privilege of freedom from Arrest and Imprisonment, varied, therefore, according to the difference of times required to appear, and again to reach their several destinations; in some cases many days being allowed, in others, from their convenient localities, such allowance being granted "*pro morâ tantum*," and not for any extraordinary period before, or after, the conclusion of the Session.

The original ground, end, and reason of this Privilege, was not to protect Members or their Servants against just debts, suits, judgments, and executions, contrary to right and justice, for their own particular advantage, or to the prejudice of their Creditors and Prosecutors, but merely to enable them, without hindrance and interruption, to attend and dispatch the public affairs of the Kingdom, with all possible expedition; which otherwise might be obstructed and retarded by their absence and restraint. As the Privilege of Parliament, in all the ancient periods of our Constitution, was coincident with the grant of Wages, it is evident, that it was as precisely limited as these. The Expences and Privileges had one and the same beginning, duration, and determination, neither of them lasting during the vacations of Parliament, by adjournment or prorogation, or in cases of absence or departure from the House.

According to the ancient Constitution of England, upon Writs of Privilege or Supersedeas, brought by Members or their menial Servants out of the Chancery or Parliament, the Judges of the King's Courts constantly judged of the Privileges of Parliament, according to Common Law and Right, without ever being questioned for it as a breach of the Privilege or Jurisdiction of Parliament. It will, however, be remarked, that there never was any general Supersedeas or Writ of Privilege brought to the King's Courts to stay all Process of Law against Members or their Servants, by Bill, Original Writ, or otherwise, in real or personal Actions, whereon their Persons were not arrested, even during the Session of Parliament.

The only Privilege of Parliament then known, claimed, and allowed to the Members, was a freedom from Arrests and Imprisonment sitting the Parliament. Such Privilege extended (1) to all Members, Assistants, and Officers of both Houses, who repair to Parliament by the King's Writs of Summons, and upon legal Elections and Retururs, *continually attend there till their Dissolution*, and also during their stay, coming and returning; (2) to all their real and necessary menial Servants, in attendance, to the end of the Sessions; (3) to all Persons resorting to Parliament to prosecute their just Petitions, and to their Witnesses.

According to the ancient Constitution, Privilege did not belong (1) to Members, Assistants, Officers, or their menial Servants, who, through sickness, or their private occasions, did not discharge their trusts in Person, though they made Proxies in the Lords to supply their absence. (2) Neither did it belong to those who came late to the Parliaments, or afterwards departed from them. (3) It did not extend to their Wives, Children, Kinsmen, Counsellors, Attorneys, Solicitors, Proctors, Scriveners, Factors, Physicians, or any kind of Tradesmen, not bona fide their attendant menial Servants; therefore, not to Bailiffs, Shepherds, Stewards, Grooms, Carters, &c., residing elsewhere upon the Estates of such Members; nor to any Tenants occupying their Lands or Houses.

The true and genuine Privilege never extended to deny or obstruct common right, justice, and legal process against any Members, or their menial Servants, either in real, personal, or mixed Actions, Demands, or Suits, whether in or out of Parliament, in other Courts of Public Justice, when their Persons were not arrested, nor their Rights or Titles prejudiced by

if he had been arrested "*Sedente Parlamento, or eundo, redeundo or morando*," he and every Member of the House were then to be privileged. The Judgment of the House was that he was not to have Privilege for 3 causes, chiefly because he was taken neither *Sedente Parlamento*, nor *eundo*, nor *redeundo*, to which the Privilege was confined.

surprise or circumvention, the King himself, the head of the Parliament, having no such Privilege from Public and Private Suits. It never extended to exempt any Members whatsoever of either House, from being prosecuted not only civilly by Petitions or Writs or Error, for their real and personal Estates and Debts; and criminally for all Sorts of Oppressions, Extortions, Frauds, Riots, &c. &c.; but capitally, for High Treasons, Conspiracies, Murders, and high Misdemeanours. (n)

The Privilege of Parliament protects no Members, Assistants, or their Servants, sued for Lands, Goods, Debts, &c., in "Auter Droit," as in right of their Wives, or as Executors, Administrators, or Trustees, or as Mayors or Members only of a Corporation.

It neither inhibits, nor stays, any real or mixed Actions at Law, sitting the Parliament itself, to recover Manors, Lands, Tenements, &c., nor protects any Goods or Chattels from distress, seizure, &c., but such as are brought for necessary and personal use, without fraud or collusion, during attendance on public duties. Privilege extends not to the bringing or prosecuting of any Actions of Trespass, Debt, Covenant, &c., but only to Arrests and Imprisonments by Process or Judgements in such Actions, not to Bills, Subpoenas, Quo Minus Citations, Attachment of Goods, or other Process; where the Persons are not restrained. (o)

It appears, that, according to ancient usage, the principal care of our Kings was to preserve the Persons of Members and their Servants from Violence, Arrests, and Imprisonments, during Parliaments, but never from just and legal Suits against them, whether real or personal, the Persons of Members and their Attendants being sufficiently secured by Statute, 7 Edward I., and by the King's Writs and Proclamations. If any Assault was committed on Members to hinder them from discharging their duties, impeachment and severe punishment followed. 4 Edward III., 28 Henry VI.

It appears, also, from numberless Precedents, that the King, by the advice of the Lords, and assisted by his Judges, was not only the sole grantor of the Privileges of the Members of his Supreme Court of Parliament, but the only Interpreter and Judge in all that related to them. In the 1st of Henry IV., the Commons admit that they cannot be Judges as well as Parties, Prosecutors, Complainants in their own cause, and Protest that "*Les Juggementz du Parlement apparteignent seulement au Roy et as Seigneurs et nient as Communes*," which the King affirms, "*Sauve qu'en Statutz affaires, ou en grauntez et subsidies, ou tiels choses affaires.*"

Even in 34 Henry VIII., the first Precedent in which the Commons attempted the enlargement of their Members, under peculiar circumstances, they were obliged to declare the whole Cause by their Speaker, before Sir Thomas Audley, Lord Chancellor, and all the Lords and Judges assembled in the Upper House. (p)

(n) See Frynne iv., 699, for Precedents from 9 Edward 2 to 3 Car. 1.

(o) See Frynne, iv., 695, 699, for Reasons of such non exemption. See also 1196 for Precedent, 1 Mary, 2d Parliament, where the Commons specially determine that the serving of a Subpoena in case of a Member of the Lords' House, was no breach of Privilege.

See also iv., 720; twenty-three Precedents, 5 Henry 4, 71, 78; 8, 31, 32, 39, Henry 6: 12 Rot. 7, 20, 13, 14, 17; 1 Henry 7; 34, 36, 37, Hen. 8; 14, 18, 35, Elizabeth; 1 Jac., c. 13; 19 Jac.; 4 Car. 1; 1 Car. 1? Remonstrance of the Lords and Commons 2 Nov., 1642, 15, 16, Car. 2; and Answers to 4 objected Precedents, 18 Edward 1; 8 Edward 2; 10 Edward 3.

(p) See Frynne, iv., 849. In the 6 Edward 6, it appears from an order of the Commons, that the Speaker granted a Warrant directed to the Lord Chancellor, to issue a Writ of Privilege, if the Chancellor saw Cause. Ib. 1200. The new pretended Privilege to stay legal Suits, Trials, and Executions, against Members and their Mental Servants, or their Lands and Goods, seems to have had its origin in 7 or 12 Elizabeth, and was followed up, 18 Jacobi, in an unusual, if not illegal way, by the Speaker's Letters of Inhibition directed to the Justices of Assize, not by a Writ of Superseas under the King's Great Seal to the Judges.

It will be recollected with regard to this question of Privilege, that it is not the meaning of Frynne, from whom the arguments are derived, that all misdemeanours are so exempted. On the contrary, he exempts from it only Treason, Felony, Breaches and Surety of the Peace, Judgements or Condemnations in Parliament, or before election into Parliament, or at least the beginning of it 689. 697. 700. 756. 764. 794. 795. 827. As to breaches of Peace, see Selden's Explanations. p. 715.

In later times, the House of Commons took upon themselves, without the sanction of any legal ordinance and enactment, to be the sole Judges in their own Causes, and to extend their Privileges far beyond their Speaker's Petition, the King's Concessions and their ancient Boundaries; so that few or none have been able to know or determine their arbitrary, and almost boundless limits.

In 13 Car. II., an important Resolution for confining Protections to menial Servants was adopted by the Commons, and strongly recommended to the Lords; and Feb. 20, 1663, a further vote of the Lords Spiritual and Temporal, requires, "that no Protections shall be granted to any Person or Persons, that are not, or shall not be their Lordships' Menials, or *Persons necessarily and properly employed about their Estates*:" which latter clause had never before appeared, in the Rolls, Writs of Privilege, or in the Commons' Votes.

The Writs "*de Expensis*" supply not only precise information as to the amount of Wages paid to the several Members of the Parliaments and Councils, and as to the term of their Privilege, but they ascertain with sufficient accuracy the duration of all those meetings in which such Writs were issued. They are generally tested on the last day of the Session. This, however, is not universally the case. The Test is sometimes on the day following, as in 35 and 43 Edward III., &c., and, if a Sunday intervenes, on the Monday following, or two days after. The Writs are sometimes several days after the Session, as in 1 Richard II., when the Parliament ended Nov. 28, and the Writs bear date Dec. 5. This sometimes arose from the circumstance, that certain Members were detained longer than others, and that all the Writs are not extant. In the earlier Parliaments, it happened occasionally, that two several Writs were issued by the King, one being on the first, the second on the last day of the Session, a fact which requires some attention. Thus, in the Parliament, 5 Edward I., there is a Writ, tested Jan. 20, the first day of the Session, directing the Expences for those just arrived "*Nuper Venientibus*," and a Second Writ of March 10, ordering the same for those "*qui venerunt in 8^{vis} St. Hilarii proximo preteriti*." In 14 Edward I., the Test is on the day of meeting, and there is no record of a Second Writ.

It has been observed, that the Writs for the same Parliament now and then differ from one another, some individuals having been detained after the rest had been dismissed. Examples of this kind occur, 27 Edward III., 12 and 20 Oct., and 28 Edward III., 20 and 22 May.

Notwithstanding these variations, the Rule of the Writ bounding the Session or Parliament, is the safest that can be adopted, where no positive Record exists precisely determining the day; and in numerous instances, it is the only guide which we possess. The Table of Parliaments hereunto annexed is, in the earlier Reigns, constructed entirely on this principle. (g)

(g) On this Table the following remarks may be made. It is drawn up in the earlier Reigns from the Writs "*de Expensis*," and from the Rolls. The Authority of the former is distinguished by the Letter (W), and of the latter, by the Letters (R) or (D). Where the Letter D occurs, the fact of the Dissolution is accurately known; where the letter R is inserted, the term of the Parliament is fixed either by the specific assignment of "the last day," or it has been ascertained from certain particulars connected with the Proceedings, as in 25 Henry 6, Rolls II., 133. In many instances neither the Writs, nor Rolls, contain the required information.

The term prescribed for the duration of the Parliament includes both the first and last days, which appears from the Writ, 1 Richard 2, to have been the customary practice.

The several Sessions are constituted by the Prorogations commanded by the King, and are marked with the Numerals 1, 2, 3, 4, &c. The Adjournments, even by the King's command, did not constitute a Session, much less so those which were the Acts of the Houses themselves. It is not, however, easy to determine always which were actual Sessions, constituted by Prorogation, as the terms "*adjornare*" and "*continuare*" are used very indiscriminately, and sometimes both together. The shorter Adjournments by the Houses are altogether omitted.

In the later Reigns, the Rolls and Journals are the sources of information; but often disappoint our most careful inquiry.

The duration of the earlier Parliaments is easily measured by Days, as there was generally

It will be observed with regard to the frequent Prorogations, and variable duration of many of these Parliaments, that the cause was more frequently to be ascribed to uncontrollable or accidental circumstances, than to the mere arbitrary will, or indolence of the Sovereign. The first clear instance of two several Sessions occurs in 5 Ric. II., when on account of the Christmas Holidays, and the Marriage of the King, an adjournment takes place. In 7 Henry IV., again, the Festival of Easter, and the Period of Hay and Corn Harvest, are, as frequently afterwards happens, a reason for proroguing the Parliament. Even before this time, and in many of the succeeding instances of long and frequent Adjournments or Prorogations, a much more stringent necessity for such intervals of vacation, existed in the awful dispensations of Pestilence with which the Nation, and especially the Cities of London and Westminster were so often afflicted. For instances of this kind see the Reigns of Edward III., Henry VI., (23), Henry VIII., (21-26), Edward VI., Elizabeth, (5-8-9), James I., (4-8), and Charles II., (1-4), in whose reign occurred also the calamitous visitation of Fire. To these causes, if we add the frequent interruption arising from Wars, Rebellion, Tumults, and the desires of the Parliaments themselves, it will be found that much less blame is attributable to the Sovereign than to circumstances over which he had no controul.

Though the same impediments often stood in the way of holding frequent Parliaments, it is not possible in the same degree to extenuate the errors of those Sovereigns of later times, who, in breach of the existing Laws, and therefore of the Privilege of the Subject, suffered many years to elapse without assembling the States of the Realm for the removal of Grievances and the correction of Abuses, by the establishment of new or improved Legislative Enactments.

Whatever may have been the previous practice as to the holding of the King's Courts at certain stated seasons of the year, determinable by the great Festivals, it is certain that such practice as regarded Assemblies meeting for the purposes of Legislation had been either in abeyance, or had deviated from its former original and customary purpose, when in the Charter of John, it was enacted that a Common Council of the Kingdom should be summoned according to a definite and prescribed Law. It is, however, remarkable that the renewed Charter, 1 Henry III., altogether omits the Clauses which relate to the Constitution of the Commune Concilium, and it is not till the 3d of Edward the Second, that among certain Ordinances made by the Ordainers, and which were confirmed, A. D. 5, it is decreed that to remedy Delays in the Courts of Justice, the King should hold a Parliament once in every year, or twice, if there should be need. This same Law, "That a Parliament shall be holden every year once, more often, if necessary, is again accorded, 4 Edward III.; a third and fourth times, 50 Edw. III. and 1 Rich. II.

These Regulations, it is evident, applied to earlier periods of the Constitution of England, when the business to be transacted was very limited, and was previously prepared and arranged by the King and his Council. In those times, the Commons were chiefly called for the purposes of giving their consent, and of granting Aids and Scutages; and if ever they were consulted on the Proceedings of the Parliament, considered themselves so little competent to afford advice, that, according to the practice of many Centuries, they earnestly and humbly requested the assistance of a Committee of Lords Spiritual and Temporal, declaring, upon such occasions, (7 Rich. II.) "that

but a Single Session. In later times the whole term, from the first to the last day, is included, though there may have been numerous Prorogations and Adjournments, and the days actually occupied by business may have been a small portion of that Period.

The Text itself of this Volume, upon some occasions, requires to be supplied from this Table, which though deficient, offers, it is hoped, a more complete and accurate arrangement of the Parliaments of England than has hitherto been published.

it did not beseem them to give advice on the great affairs of the nation.' With the increasing importance of the Commons, grew also the necessity for a longer period of sitting; and the extension of the term of Parliaments was co-existent with the acknowledged requirements of the State. The prolongation of the Session, or Parliament, was then frequently conceded on the Petition of the Commons, and the Sovereign with difficulty coerced the influence which by this enlargement of their time for acting, was easily acquired by the Third Estate. To this struggle for superiority, the Nation owes all the misfortunes and miseries which resulted from the Long Parliament, when, for so many years, "a handful of tyrants" set at defiance Laws human and divine, and trampled on the Liberties and Privileges of the free born subjects of England.

It will be recollected however, that the Triennial Act, 16 Car. I., was an Act "to prevent the Inconveniences happening by the long Intermission of Parliaments," and notwithstanding its Preamble, which recites the Laws and Statutes for holding a Parliament at least once every year, enacts only a duration of 50 days, unless with the consent of either House respectively; and no intermission for a longer period than three years beyond the dissolution of such Parliament: so that though the term of sitting could not be less than 50 days, it might extend through the whole three years, and be followed by an interval of three years short of the space between Sept. 3 and the 2d Monday in November following.

In the 16th Car. II. this Act was repealed, and a new one adopted, "That Parliaments shall not be Intermitted above Three years."

By the Charter of John, it was ordained, that a Summons to attend the great Councils should be issued *at least* 40 days before the day of their meeting, and though this clause was wholly omitted in the subsequent Charters, yet the practice so introduced extended through all succeeding Reigns. There were, however, in cases of extreme necessity, some occasional exceptions to this Rule. Even in 49 Henry III., the Summons to the Bishops, is but of 26 days, and of the Barons of the Cinque Ports, but of one day. Again, in 4 Edward III., the tests of the Writs are at a distance of 31 and 23 days only, with a Clause against the Precedent. (r) In 1 Henry IV., there were but 6 days between the Writs of Summons and the Parliament then to be holden. In 20 Eliz., the Writ tested 15 Sept. orders the Parliament to meet on the 15th October, 30 days.

In ancient times, Parliaments were frequently summoned to meet on Sunday, of which instances may be seen, 27 Edward I., (3); 2 Edward II., (2); 3, 6, 7, 9, 10, 18 Edward II.; 1, 2, 3, 30, 35, 43 Edward III.; after which no Parliament appears to have been so appointed, excepting in the case of the prorogued Meeting of 5 Ric. II.

The first Record which relates to the Place of the Parliament assembling, is, 17 Edward III., when, according to the Rolls, the Prelates and Lords met in the *Chambre Blanche*, and the Commons in the *Chambre de Peynte*, and both afterwards united in the *Chambre Blanche*. These were apartments in the Palatial Buildings, at Westminster, which formed the principal Residence of Edward, the Confessor. According to Messrs. Brayley and Britton, tradition has even identified the Chamber where he died as that which after generations called the *Painted Chamber*, by which name it is yet distinguished. In 1478, it was known by the appellation of *St. Edward's Chamber*.

The Commons, however, did not continue to occupy this as their peculiar place of assembling, for, in 1352, 25 Edward III., they are Ordered to repair to the "*Chapter House*;" and in 1376, 50 Edward III., they meet "*in their*

(r) The term was, however, generally of 30 days, and sometimes of two months. In 25 Edward I., the Summons for the 5ves. of St. Hilary following, is tested Sept. 26, and such instances are not infrequent.

wanted place, the Chapter House of the Abbey. (s) In the following year, 51 Edward III., the *Parliament* meets in the Painted Chamber.

In 1 Rich. II., The Assembly is first held in the "Chambre Blanche" of the Palace, and then in the *Chambre de Peintée*.

In 2 Ric. II., "The House called the Chapitre, in the Great Cloister of the Abbey, is assigned to the Commons," and the *Parliament* meets in the *Chambre de Peintée*.

In 18 Rich. II., The Commons assemble in "the Chapter House, or Refectory."

In 7 Hen. IV., The *Parliament* meets in the *Chambre de Peintée*.

3 Henry V., "The Commons go to their accustomed Place, the Freytour in the Abbey."

15 and 39 Henry VI., The *Parliament* meets in the "*Camera depicta, juxta magnam Cameram Parliamenti, infra Palatium Westmonasterii.*"

17 Edward IV., The *Parliament* assembles in the "*Camera depicta, vulgariter nuncupata, Camera Sancti Edwardi, infra Palatium.*"

1 Henry VII., in the "*Camera communiter dicta Crucis, infra Palat. Westm.,*" and so in the years, 3, 4, 5, 7, 11, 12. In the year 19, in the "*Camera Magna, vulgariter dicta Crucis, juxta Capellam et Oratoria infra Pal. Westm.*"

Under Henry VIII., the *Parliament* met, annis 1, 3, 6, in the Painted Chamber; 31, in the "*Parliament Chamber*"; and 35, in "the House of Lords," so designated for the first time. The Commons continued to occupy the Chapter House till the year 1547, when Edward VI. granted the Chapel of St. Stephen for their meetings.

But though the Cities of London and Westminster were always considered the chief seat of the *Parliament*, yet many accidental circumstances occasioned its frequent removal to other Cities. During the King's necessary absence from his Metropolis, from Wars or other causes, and under the constant recurrence of the Plague or other calamitous inflictions in its neighbourhood, they were held, as convenience recommended, or as the King's pleasure dictated, at Cambridge, Coventry, Carlisle, Gloucester, Leicester, Lincoln, Northampton, Nottingham, Oxford, Reading, New Sarum and Winchester; and at these several places the same rule for the payment of Wages, according to distance, was observed, as was so carefully adopted at London, or Westminster. (t)

The first use of the word *Parliament*, according to Prynne, occurs in the Writ of Summons to the Cinque Ports, 49 Henry III.; but there is one previous Record of the employment of the term in the King's Letters of Safe Conduct to the Envoys of Llewelin, to attend the meeting at Oxford, tested, 2 June, A. R. 42. It next occurs in the Writ of Prorogation, 3 Edw. I., as "*generale Pleamentum nostrum*" and "*eidem Pleamento.*" We find it, afterwards, 23 Edward I.; but all the following Writs to 28 Edward I., employ the term "*Colloquium.*" Even this latter Writ says, "*Pleamentum tenere, vobiscum speciale Colloquium et Tractatum habere.*"

The Prologue to the Statutes of Westminster, 1, 3 Edward I., and 7 Edw. I., and the Statutes of Westminster, 2, 13 Edward I., are the first Acts or Statutes which employ this term.

The first Historian who applies the word *Parliament* to the Councils of

(s) The ancient Chapter House, Westminster, according to Matthew of Westminster, was erected by Henry 3. It was very early devoted to State purposes. Soon after the Commons ceased to occupy it (1547), certainly in the reign of Elizabeth, this building was used as a Repository for the Records of the "Four Treasuries of the Exchequer." On an Address of the House of Lords to Queen Anne, voted 4th March, 1705, the Chapter House was put into thorough Repair, under Sir Christopher Wren. See Brayley's Hist. and Antiq. of Westminster Abbey, ii., 298. In the History of the Ancient Palace, and late Houses of Parliament, Westminster, St. Stephen's Chapel, Westminster Hall, Court of Requests, and the Painted Chamber, by Messrs. Brayley and Britton, 1836, see a Chronological Account of the Parliaments, Councils, and Courts, held in these Palatial Residences from the year 1225, 9 Henry 3.

(t) In Prynne, iv., 662. See a Calendar or Diurnal of the Days allowed for Expences, according to these several distances.

the Realm, is Matthew Paris, who flourished about the middle and died before the end of the Reign of Henry III., a. 43, 1259. In his *Historia Angliæ*, till 1246, 30 Henry III., he always uses the words *Concilium*, *Concilium Magnum*, *Colloquium*, *Tractatus*, to express all Parliamentary great Councils and State Assemblies, held nearly 200 years before he wrote. In the years 1246-7, and in no other years before or after, he employs this word five or six times. His Continuator, William Rishanger, under Edward I. and II., makes frequent use of it, and so does Matthew, of Westminster, who continued the History of Matthew, of Paris, under Edward III. In the Reign of the latter Sovereign, and those of the succeeding Kings, it grew into vulgar use, as appears from the *Historia Angliæ* of Thomas Walsingham and Henry de Knighton.

"The distinction," says Sir Harris Nicolas, "between a Statute, Act and Ordinance of Parliament, is still involved in such obscurity, that no positive conclusion can be drawn from the various statements which have been published." With regard to the ancient mode of promulgating the Statutes, it appears, that "the Council having called the Clerk of the Parliament before them, certain Acts made in the preceding Parliament were read, and he was directed to shew the said Acts to the Justices of both Benches, in order that those which were Statutes of the Realm, might be seen by them, and be fairly transcribed, (it may be presumed in the Statute Roll) and be afterwards shewn to the Lords and proclaimed, and that Copies of the other Acts, relating to the Governance of the Lords of the Council and of the Realm, should be sent to the Clerk of the Council, and having been reduced to writing, should be enrolled in Chancery according to Custom.

"It would consequently appear, that it was left to the Judges to determine what were Statutes of the Realm; that all Statutes were enrolled upon a particular Roll, and were proclaimed: that all the other Acts and Proceedings of Parliament, which were entered on the Parliament Roll, were considered Acts of Parliament in the modern acceptation of the expression, and consequently that they had the full force of a Statute, although, from not usually being of so important, or of so general a nature as Enactments of the Laws of the Kingdom, it was deemed unnecessary to give the same publicity to them. Some analogy to that practice may be traced in the modern system of distinguishing Acts of Parliament as 'Public' and 'Private Acts': the former being what was termed 'Statutes,' and the latter all other Parliament Proceedings to which the Assent of the three Estates was given. It may be observed, that this *cessata questio* is much elucidated by the Minutes of Council which have been cited; and that, in any future inquiry, some caution should be observed in giving the common acceptation to the words 'Assent of Parliament,' there being reason to believe, that, in many cases, those words were not intended to, and did not, imply such an Assent, as to impart to the Proceeding the force and character either of a Statute of the Realm, or of an Act or Ordinance of Parliament." (u)

(u) See Proceedings and Ordinances of the Privy Council of England by Sir Harris Nicolas, Chancellor and Commander of the Order of St. Michael and St. George, of which Seven Volumes extending to 33 Henry 8 are published. In Vol. vi., which contains the Index to the Prefaces to all the Volumes, under the word Parliament, the following References are given; I. lxi., Anomalies in the Rolls explained; III. lxi., Persons summoned and sitting in Jure Usorum; III. lxi., Parliament in 1429, signifying a General Assembly of the *Lords Spiritual and Temporal* in the Parliament Chamber; IV. cxvi., Parliament a meeting of *Peers only*, in the presence of the King; V. xi., Petitions unanswered 1437, and referred to the Council, to be recorded in the Rolls of Parliament; V. xviii, n., Rolls of Henry 6 imperfect; V. lxxxi, Exemptions from serving in Parliament; VI. lxx., *Peers Bred for non attendance*.

In the Preface III. vi., vii., the subject of Statutes is considered, and a note refers to the authorized Edition of the Statutes, I. xlv. for a learned statement respecting the ancient mode of promulgating Statutes, and for a Copy of the Writ issued for that purpose, Stat. 25, Edward 3, 324, and a note 322.

See also Appendix No. ix., to a Report of the Proceedings on the claim to the Earldom of Devon, by Sir Harris Nicolas, 1832.

In the Speech of the same Author on the Vaux and Bray Case, see the Effect of a Writ to Parliament. Also Retrospective Review, Aug., Oct. 1827.

From the preceding collections and observations, it appears that the constitution of the Legislative Assemblies of the Kingdom has been gradually formed, and that the successive alterations have been introduced rather by the exigencies of the State as they arose, than by any general principle which necessarily regulated those changes. The constitution thus framed according to accident, or necessity, became afterwards established by usage, rather than by any positive Law. It resulted from time and circumstances, rather than from any legislative enactment. Hence arose the uncertainty, which, during so many ages, prevailed as to the rights of each particular Class, and especially of those, who, under the System of Representation, were the persons to be elected, and of those who were to be the Electors.

Some of the Causes which have operated in producing these gradual variations in the constitution and composition of the Legislative Assemblies of the Kingdom, from the earliest ages almost to the present day, may be arranged under the following general heads :—

- I. Causes immediately connected with the Sovereign.
- II. Causes involving the influence of the Prelates and Nobles.
- III. Causes derived immediately from changes in the condition of the People.
- IV. Causes which have immediately affected the State of the Legislative Assemblies.
- V. Causes producing an accidental influence on their Constitution.

I.

- (1) The necessities and embarrassment of the Sovereign, occasioning increasing Charges on the People.
- (2) The consequences of arbitrary and undue assumption of Power, and abuse of the Prerogative.
- (3) The diminished power of the Crown arising from the usurped, or justifiable, Claims of the Nobles or Clergy.
- (4) Concessions, or Appeals to the People, and other measures intended to balance the assumed power of the Clergy or Nobles.
 - (a) By the abandonment of distinctions by Tenure, involving the increase of Tenancy in Chief and Representation, and thus lessening the dependence of Freeholders on Mesne Lords.
 - (b) By the arbitrary, or defined erection of Cities and Boroughs, with the Sale or grant of Privileges and Charters of Corporations.
 - (c) By the admission of the Inferior Clergy to the Legislative Body, and the power granted of acting by Attorney.
- (5) The Creation of new Dignities and new Bishoprics.

II.

- (1) The attempts of the Clergy and Nobility to controul the King's Prerogative, or limit his assumed power, and at the same time to increase their own Privileges and Influence.
- (2) The necessities of both Classes, and the transfer of Property.
- (3) The various measures which at different times have been introduced and adopted by the Nobles of the Realm, tending to elevate the condition of the People.
 - (a) The Principle of Representation insisted upon by the Lords, namely, the Representation, by immediate Tenants of the Crown, of all who held under them.
 - (b) The Charter of Liberties obtained by the Barons at Runmede.
 - (c) The Summons of Knights to Lincoln, at the instance of the Lords, to investigate the mal-practices of Sheriffs, 10 Henry III.
 - (d) The Statutes of Merton, 20 Henry III., which admit Attornies to do the Suits of Freeholders in the County Courts.

The Resistance of the Lords to the demands of the Bishops

with regard to these Statutes, "That all born before Marriage should be as legitimate as those born after Marriage, with respect to hereditary succession, because the Church held such legitimate;" and their memorable answer, "Nolumus Leges Angliæ mutari, quæ sunt usitatae et approbatae."

The aids given, 42 Henry III., by the "Proceres et Magnates," on condition of a Reform of the State of the Kingdom, and the Ordinances made at Oxford by the whole Nobility of England, including nearly 100 Barons.

- (e) The frequent influence of the Lords in obtaining a confirmation of the Charters, and their observance.
- (f) The first attempt to form a Legislative Assembly to which Representatives of Counties were summoned by the Earl of Leicester, 45 Henry III., requiring the attendance of Three Knights for each of certain Shires.
- (g) The Writs issued by the Earl of Leicester for the First Parliament composed of Prelates and Nobles, Knights, Citizens, and Burghesses, 49 Henry III.
- (h) The Statute, "Quia Emptores," 18 Edward I., enabling every Freeholder to sell his Lands or Tenements, or any part thereof, according to his will, made at the instance "Magnatum Regni." Also, the Statute, "de Tallagio non concedendo," obtained by the Earls of Hereford and Norfolk, as an acknowledgment of the Rights of the People, 25 Edward I.
- (i) The confirmation of the Charters, and Concession to the People of the Election of the Sheriffs, in the "Articuli super Chartas," granted at the request of the Prelates, Earls, and Barons, 28 Edward I.
- (k) The Ordinances made at York, 3 and 5 Edward II., on the Representation of the Prelates and Nobles, for remedying delays in the Courts of Justice, and recording and determining Pleas deferred; namely, "*That a Parliament should be holden once a year, or twice, if there should be need.*"
- (l) The Assembly to treat on Reform of Grievances convened by the Earl of Lancaster, at Doncaster, 14 Edward II.
- (m) The assistance given, 50 Edward III., and for many succeeding Reigns, by a Committee of Lords, who, at the request of the Commons, attended all their consultations "for their better direction and information." 1 Richard II., &c. &c., to Henry VIII.
- (n) The maintenance of Justice and Equity against the Privileges of Parliament, by the decision of the Lords. (32 Henry VI.)
- (o) In later times, the Proceedings of the Lords, in numerous instances, favourable to the Freedom of the People and the Integrity of the Constitution; such, under Charles I., were, A. n. 16, Lord Andover's motion against the Star Chamber, and Lord Digby's, for frequent Parliaments; A. 17. The Defence of the Bishops, A. 19; and in the following years, their general conduct as to the measures of the Parliament.
- (4) The Destruction of Great Families and Individuals, by Foreign and Civil Wars, Impeachments, Deaths, &c.

III.

A. Civil.

- (1) Change of Tenure in Land, and Grants of Aid in lieu of Service.
- (2) Increase of Wealth and Property, Real and Personal, with the increased power of affording Aids to the Crown, in consequence, among other causes, of
 - (a) Subinfeudations.

- (b) The Subdivision of great Properties and Baronies.
- (c) The acquired Tenancy in Chief.
- (d) The Statute of Alienations, "Quia Emptores," 18 Edward I., which rendered the Alienees immediate Tenants of the Crown.
- (3) The increase of Population.
- (4) The increase of Freeholders, and the Enfranchisement of Villeins, 5 Rich. II.
- (5) The Rights and Privileges obtained by Charters and Corporations.
- (6) The increase of Boroughs.
- (7) The Sanctions of the King against the Nobles or Clergy.
The Sanctions of the Clergy against the Sovereign, or Nobles.
The Sanctions of the Nobles against the Sovereign or Clergy.
B. *Moral*.
- (1) The free Spirit of the Saxon Institutions.
- (2) The jealousy of abuse, and resistance to encroachments, whether of the Nobles, Clergy or Sovereign.
- (3) The Resolution and Exertions of the Commons.
- (4) The increase of knowledge, arising, among other causes, from
 - (a) The adoption of the English Language, 40 Edward III.
 - (b) The diminution of Superstition, resulting from the depression of the Papal Authority.
- (5) The forbearance, diffidence and general good sense of the Commons in the earlier periods of their acquired Privileges, manifested in
 - (a) Their answers, 28 Edward III., "That whatsoever pleases the King and 'Grantz,' will be agreeable to them:" "That the Prelates and Lords will determine how the Charges shall be raised," 4 Rich. II.: "That it does not beseem the Poor Commons to give advice," 7 Rich. II.: "That Right as to Judgments does not belong to them," 1 Henry IV.: Their humble acknowledgment of Error, on their knees before the King, 20 Ric. II. and 2 Henry IV. Their prayer that the King's Council may determine all Bills and Petitions unfinished by Parliament, 4, 15 Henry VI.; and many similar cases.
 - (b) Their frequent deference to the Chief Prelates and Lords, for whose assistance and cooperation they prayed on all important matters offered to their consideration, (50 Edward III., &c.)
 - (c) Their universal deference and good will to the Church and Clergy, in favour of whose Rights, Privileges and Immunities, they commenced their Petitions at every Session of Parliament: in connection with which feeling may be adduced the tolerant spirit which dictated their Petition in favour of John Wickliffe, and their Petitions against the encroachments of the See of Rome, 6 and 13 Ric. II.
 - (d) Their numerous and temperate Petitions for the Reform of Abuses connected with the Legislative Assemblies.
Such among many others are these: 50 Edw. III., That the Knights should be elected by "the best Persons."
5 Rich. II., That all persons summoned should attend, and the Sheriffs be punished for omissions and false Returns.
21 Rich. II.. That the Clergy may always be present, against the unconstitutional attempt to separate themselves from the Laity.
1 Hen. V., That the Knights shall be Resident and chosen by Knights, Esquires and Commons, and the Election of Citizens and Burgesses be of Citizens and Burgesses, Resident and Enfranchised.
8 Hen. VI., That in the Election of the Knights, a higher and Freehold Qualification of 40s., may be placed on Electors, so as to

prevent, for the future, a choice "by outrageous and excessive numbers of People of small Substance."

To all which may be added their frequent Petitions for the better quality and character of those to be elected.

IV.

- (1) The Separation of the Four Great Courts after Edw. I.
- (2) The Separation of the Ecclesiastical and Civil Jurisdictions, of Clergy and Laity, under William I., and the Constitutions of Clarendon, 10 Hen. II., determining the Right "*per Baroniam*."
- (3) The Change in the ordinary business of Parliament, formerly acting as a mere Council of the Crown and Court of Justice.
- (4) The impossibility of procuring individual assent by personal appearance, and the adoption of Representation by Knights, Citizens and Burgesses.
- (5) The erection of Boroughs at the will of the Sovereign, or of the Sheriffs; and the arbitrary Summons of the Clergy.

V.

- (1) The Conflict of Parties, and Party objects.
- (2) Particular occasions, and temporary requirements.
- (3) Practice creating prescriptive Rights, by course of time gaining the force of Law, and recognised as such by Statutes.

The foregoing are some of the Causes, which, in the reigns of the earlier Sovereigns, without the provision of any express Law, and gradually arising from circumstances and the exigences of the occasion, operated in establishing a Constitution of the Legislative Assemblies of the Realm, incapable of alteration by the power of the Crown, or otherwise than by acts of the entire Legislature.

Each of these heads might supply materials for extensive illustration, which the limited purpose of the present introductory remarks will not admit.

The following brief survey will call the reader's attention to the Points and Eras which are most important in a consideration of the subject before us, in the period intervening between the Reign of the Conqueror and the close of the Reign of Charles II.

A.D.

HENRY II.

10. The Constitutions of Clarendon—a recognition of the Customs, Liberties and Dignities of the Predecessors of this Sovereign.

JOHN.

15. The Summons of Four Knights, "*ad loquendum de negotio Regni*."
17. The great Charter granted, 15th June.

HENRY III.

1. 2 The Charters of Liberties, the last of which is now held as such, though A.D. 9. materially differing from that of John.
10. The Summons of Four Legal Knights to appear at Lincoln as Accusers of the Sheriffs.
23. The Prelates deliberate separately from the Barons.
33. The first instance of Representation by two Knights for each County.
42. The Assembly at Oxford, first called a *Parliament*, adopts a Representation by 12 Barons.
45. Three Knights out of every County are summoned by the Earl of Leicester.

- A.D.
 48. Four legal and discreet Knights are summoned to be chosen "per Assensum Comitatus."
 49. The earliest Writs of Summons to Parliament, including Knights summoned by the Sheriffs from certain Counties, and two Citizens from the Cities of York and Lincoln, and two Burgesses "de cæteris burgis Angliæ" by Writs directed to the Citizens.
 52 The Statute of Marlborough, made by the Earls and Barons, to restore Peace and good Order, and to make all "tam majores, quam minores" amenable to Justice.

EDWARD I.

11. Four Knights of certain Shires, and two of every City, Borough, and Market Town (Villa), are convened at two distant parts of the Kingdom, at the same time,
 18. Two or Three Knights of each County, "de discretioribus et ad laborandum potentioribus," are summoned.
 22. Two Knights for each County, with full power to consult and consent, and Two other Knights, "ad audiendum et faciendum," are summoned.
 23. The Parliament is composed of Lords Spiritual and Temporal, Knights, Citizens, and Burgesses, acting with legislative power under the King. The Writs to the Archbishop of Canterbury contain the memorable words, "Sicut Lex justissima, &c.," and the no less memorable clause, "Præmunientes," summoning the Inferior Clergy.
 25. The Clergy refuse an Aid, and the King, by the Sheriffs, takes all their Lay Fees into his hands. The King grants a Charter, and the Statute, "de Tallagio non concedendo," is enacted.
 29. The King confirms the Charter of 9 Henry III., "the Great Charter of Henry, formerly King of England, his Father, of the Liberties of England."
 33. The Procures Regni are no longer considered as summoned in the character of Tenants in Chief of the Crown, but as having Personal Dignities.

EDWARD II.

3. The Lords Ordainers frame the Article. "That the delays in the Courts of Justice should be remedied by a Parliament held Once a year, or Twice, if there should be need." The term Parliament was beginning to mean a Legislative Assembly.
 14. The Services due by Tenure were exchanged for Scutages and Aids. The Earls and Barons are styled "Peers of the Land."
 15. Representatives are summoned from Wales.
 An Act passes, "That for ever thereafter, the matters to be established for the Estate of the King and his Heirs, and for the Estate of the Realm and of the People, should be treated, accorded, and established in Parliament by the King, and by the Assent of the Prelates, Earls, and Barons, and the Commonalty of the Realm, according as had been before accustomed:" this being the First Statute declaring the Constitutional Law of the Realm on this important subject, on a basis different from that declared in the Charter of John.
 16. Two distinct Conventions of the Clergy of the different Provinces, wholly unconnected with Parliament, are assembled for an Aid to the Crown.
 20. Twenty-four Representatives are summoned from North Wales.

EDWARD III.

13. The Commons Petition that the Sheriffs may be commanded to send from each County, two Knights "girt with swords."

15. A Statute is made declaring the peculiar Personal Privileges of Peers.
18. The first instance occurs of a Grant made by the Clergy in Convocation, a part of the Legislative Body not authorised to make Laws.
22. The Commons had not attained an equality with the Prelates and "Grantz de la Terre," who answer the Commons' Petitions, &c., after these are dismissed from the Parliament.
25. The exertions of the Commons tend to establish the Constitutional Law of the Land as to Aids and Taxes, on the principles long acknowledged and acted upon.
26. Writs are first issued to the Mayors and Bailiffs of Cities and Boroughs, and not to the Sheriffs, as hitherto.
36. The mischiefs arising from an ignorance of the Laws, Customs and Statutes, in consequence of their being pleaded, shewn and judged in the French Language, are remedied by a Statute, that all Proceedings should be in English.
40. Certain Burgesses (Chepyng Toriton) pray to be relieved from the burden of sending Members, the Sheriff having "maliciously returned Two Burgesses for the Town."
50. On the Petition of the Commons, the Knights of Counties are to be elected "de les Meilleurs Gentz" of the Counties.

RICHARD II.

1. The Commons Petition for a Parliament, *once a-year, "to record and end the Suits which have been delayed, and the Pleas or Causes, on which the Judges differ in opinion."*
5. The Patent obtained by force from the King for the Enfranchisement of the Villeins, is Repealed by unanimous consent of the Lords and Commons.
- A Law is made, at the request of the Commons, for enforcing attendance in Parliament, and against false Returns, &c.
11. The Lords Spiritual and Temporal obtain "their Liberty and Franchise, that matters moved in Parliament, touching Peers of the Land, shall be discussed and moved by course of Parliament, and not by Civil or Common Law of the Land."

HENRY IV.

1. Proceedings are taken which settle the Character of the Two Houses of Lords and Commons, as perfectly distinct; and particularly establishing that Grants and Aids to the Crown shall proceed from the Commons.
5. The Commons pray for Privilege for the Lords and themselves against Arrest for Debt, and against Assault.
7. & 8. A Statute is made to settle the manner of Election of Knights, and who should be Electors."

HENRY V.

5. By Petition of the Commons, an addition is made to this Statute, to the effect that the Knights shall be Resident, and the Elections for Cities and Boroughs be of Citizens and Burgesses Resident and Enfranchised in the same.

HENRY VI.

8. By the Petition of the Commons, the Electors of the Knights of Shires are ordered to be "People resident in the respective Counties, whereof every one shall have, in free Tenements, in the same County, to the value of 40s., by the year at least, above all charges; and that those chosen shall be dwelling and resident in the same Counties."

INTRODUCTION.

A.D.

24. The Commons Petition for observance of Stat. 1, Henry V., "that the Citizens and Burgesses elected may be Resident and Enfranchised," and also of Stat. 8, Henry VI., for the manner of electing *notable* Knights or Squires, and none beneath.

HENRY VII.

The independence of himself and his Successors, in Parliaments, with the Reasons thereof.

HENRY VIII.

6. The names of the Lords Spiritual and Temporal, who are present, are entered on the Journals.
25. Convocations are to be summoned by the King's Writ.
31. A Bill passes for assigning Seats in the Lords' House to the King's Officers.
- 27-34-35. Statutes are made for the Creation, or Revival of Boroughs, by Special Acts of Parliament alone.
27. Wales is incorporated, united and annexed to England, and Members are returned from thence.
33. Five new Bishopricks are erected, Chester, Gloucester, Peterborough, Bristol and Oxford, by the separation and addition of Sees.
34. Knights and Burgesses are first summoned within the County and City of Chester.
35. of Chester.

EDWARD VI.

7. The King's Letter to the Sheriffs to choose Members of wisdom and experience, and directing their Choice.

MARY.

2. The Queen's Letter for the Choice of Catholic Members.
- The Voluntary Secession of many Members from the House of Commons.
3. A Bill against the Absence of Members.

ELIZABETH.

1. The Abbot of Westminster, the last of his Order admitted to Parliament, speaks in the House of Lords.
13. The Oaths of Supremacy and Allegiance are taken by Members, before the Lord Steward of the Household.

JAMES I.

1. The Commons claim the right of examining the Returns of Knights, Citizens and Burgesses.

CHARLES I.

3. The Petition of Right receives the Royal Assent (June 7, 1628).
16. The Commons restore several Ancient Boroughs; and Resolve, That none shall sit in Parliament but such as will take the Sacrament.
- The Bill for Triennial Parliaments passes, by which it is enacted that a Parliament shall be called every Three Years, and shall not be dissolved within fifty days after the time appointed for their meeting, &c.
- Nov. 3, 1640. The Long Parliament meets.
17. The first Protest of the Peers is entered on the Journals.
- May 10, 1641. The King assents to the Bill for the continuance of the Parliament.
21. The Army, under General Fairfax, makes Proposals for Biennial Parliaments, to sit One Hundred and Twenty Days, unless adjourned

A.2.

or dissolved by their own consent ; and no Parliament to sit more than Two Hundred and Forty Days.

CHARLES II.

1. The Commons abolish Monarchy and the House of Peers.
5. April 20, 1653. Cromwell dissolves the Long Parliament. Cromwell ordains Triennial Parliaments, which shall not be adjourned, prorogued, or dissolved, within five months of their time of meeting, except by their own consent.
9. Cromwell restores an Upper House, "to interpose between him and the tumultuary and popular Spirits in the Commons' House."
12. The Restoration of the King and the House of Lords.
13. The Bishops are restored to Parliament.
16. The Triennial Act is repealed, and another substituted "that Parliaments shall not be intermitted above Three Years."
17. An Act passes for taxing the Clergy in Parliament with the Laity, but allows the Parochial Clergy to vote for Members of the House of Commons.
25. Resolutions are passed against Elections upon Writs issued by the Lord Chancellor.
The County and City of Durham are Ordered to return Members.
27. Resolutions are passed by the Commons against treating at Elections.
32. Resolutions are adopted against Placemen and Pensioners sitting in Parliament.

WILLIAM III.

1. The Declaration of Rights is framed, and receives assent. It provides, "That Parliaments ought to be frequently holden."

Containing the Numbers of the Temporal Peers summoned from 49 Henry III., to
23 Edward IV., together with the Council and Assistants.

| A.R. | | | | | | | Karla. | Bacons. |
|------|--|-------------|-----|-----|-----|-----|--------|---------|
| | | HENRY III. | | | | | | |
| 49 | ... | ... | ... | ... | ... | ... | 8 | 18 |
| | | EDWARD I. | | | | | | |
| 23 | Edmund, E. of Lancaster (Brother) | ... | ... | ... | ... | 12 | ... | 53 |
| 24 | Edmund, E. of Cornwall (Cousin) | ... | ... | ... | ... | 8 | ... | 47 |
| 26 | Ditto | ... | ... | ... | ... | 8 | ... | 37 |
| 27 | Ditto (besides 13 Knights, Judges and of the Council) | ... | ... | ... | ... | 10 | ... | 65 |
| 28 | Ditto | ... | ... | ... | ... | 3 | ... | 73 |
| 29 | Ditto | ... | ... | ... | ... | 2 | ... | 5 |
| 30 | Ditto | ... | ... | ... | ... | 10 | ... | 59 |
| 31 | John de Warren, E. of Surrey | ... | ... | ... | ... | 8 | ... | 80 |
| 32 | Edward, P. of Wales and E. of Chester (Son) | ... | ... | ... | ... | 9 | ... | 18 |
| 33 | Ditto | ... | ... | ... | ... | 9 | ... | 62 |
| 34 | Ditto | ... | ... | ... | ... | 7 | ... | 92 |
| 35 | Henry de Lacy, E. of Lincoln (and various Magistri) | ... | ... | ... | ... | 10 | ... | 86 |
| | Edward, Prince of Wales, Henry, E. of Lincoln, (besides the King's Council and Assistants) | ... | ... | ... | ... | 2 | ... | 24 |
| | Thomas, E. of Lancaster | ... | ... | ... | ... | | | |
| | | EDWARD II. | | | | | | |
| 1 | Henry, E. of Lincoln | ... | ... | ... | ... | 8 | ... | 69 |
| — | John de Warren, E. of Surrey | ... | ... | ... | ... | 10 | ... | 46 |
| — | Henry, E. of Lincoln | ... | ... | ... | ... | 9 | ... | 46 |
| 2 | Gilbert de Clare, E. of Gloucester and Hereford | ... | ... | ... | ... | 7 | ... | 57 |
| — | Ditto | ... | ... | ... | ... | 8 | ... | 41 |
| — | Ditto | ... | ... | ... | ... | 8 | ... | 81 |
| — | Ditto | ... | ... | ... | ... | 8 | ... | 79 |
| 3 | Ditto | ... | ... | ... | ... | 11 | ... | 84 |
| 4 | Thomas, E. of Lancaster | ... | ... | ... | ... | 5 | ... | 54 |
| 5 | Ditto, (besides 16 Clerici Concili, 16 Justiciarii) | ... | ... | ... | ... | 7 | ... | 60 |
| — | Ditto | ... | ... | ... | ... | 8 | ... | 42 |
| 6 | Thomas de Brotherton, E. of Norfolk | ... | ... | ... | ... | 9 | ... | 86 |
| — | Ditto | ... | ... | ... | ... | 9 | ... | 18 |
| 7 | Ditto | ... | ... | ... | ... | 9 | ... | 99 |
| — | Ditto | ... | ... | ... | ... | 9 | ... | 88 |
| 8 | Thomas, E. of Lancaster (eight Judges and Assistants) | ... | ... | ... | ... | 8 | ... | 53 |
| — | Ditto (and Assistants) | ... | ... | ... | ... | 8 | ... | 85 |
| 9 | Ditto (and 34 of Council and Assistants) | ... | ... | ... | ... | 7 | ... | 83 |
| 11 | Ditto (including Assistants) | ... | ... | ... | ... | 17 | ... | 118 |
| 12 | Ditto (and 24 of Council and Assistants) | ... | ... | ... | ... | 8 | ... | 79 |
| 13 | Ditto (25 as above) | ... | ... | ... | ... | 8 | ... | 79 |
| 13 | Ditto (25 as above) | ... | ... | ... | ... | 8 | ... | 72 |
| 14 | Edward, E. of Chester (Son) (22 Assistants) | ... | ... | ... | ... | 9 | ... | 74 |
| — | Thomas, Earl of Lancaster, (besides Assistants) | ... | ... | ... | ... | 8 | ... | 88 |
| 15 | Edward, Earl of Chester, (besides the Council, &c.) | ... | ... | ... | ... | 9 | ... | 72 |
| 16 | Ditto | ... | ... | ... | ... | 8 | ... | 32 |
| 18 | Ditto, (with two of the Council)... | ... | ... | ... | ... | 8 | ... | 48 |
| — | Thomas, Earl of Norfolk, Marshall of England (brother) | ... | ... | ... | ... | | | |
| — | The Earl of Chester | ... | ... | ... | ... | 5 | ... | 50 |
| — | Earl of Chester | ... | ... | ... | ... | 4 | ... | 39 |
| 19 | Earl of Norfolk | ... | ... | ... | ... | 6 | ... | 39 |
| 30 | Ditto | ... | ... | ... | ... | 6 | ... | 46 |
| | | EDWARD III. | | | | | | |
| 1 | Thomas, E. of Norfolk, Edm., E. of Kent (Uncles) | ... | ... | ... | ... | 5 | ... | 47 |
| — | Thomas, E. of Norfolk | ... | ... | ... | ... | 4 | ... | 49 |
| 2 | Ditto | ... | ... | ... | ... | 6 | ... | 49 |
| — | Ditto | ... | ... | ... | ... | 6 | ... | 50 |
| — | Ditto | ... | ... | ... | ... | 6 | ... | 46 |

| A.R. | | | | | | | | | | Earls | | Barons |
|-------------|---|-----|-----|-----|-----|-----|-----|-----|-----|-------|----|--------|
| 3 | Ditto (with Judges and Assistants) | ... | ... | ... | ... | ... | ... | ... | ... | 8 | .. | 59 |
| 4 | Ditto | ... | ... | ... | ... | ... | ... | ... | ... | 10 | .. | 50 |
| — | Ditto (with five Judges, &c.) | ... | ... | ... | ... | ... | ... | ... | ... | 8 | .. | 53 |
| — | Ditto | ... | ... | ... | ... | ... | ... | ... | ... | 8 | .. | 46 |
| 5 | Ditto | ... | ... | ... | ... | ... | ... | ... | ... | 9 | .. | 47 |
| — | Ditto | ... | ... | ... | ... | ... | ... | ... | ... | 9 | .. | 48 |
| — | Ditto (with Judges) | ... | ... | ... | ... | ... | ... | ... | ... | 9 | .. | 46 |
| 6 | Ditto | ... | ... | ... | ... | ... | ... | ... | ... | 11 | .. | 66 |
| — | Ditto | ... | ... | ... | ... | ... | ... | ... | ... | 10 | .. | 66 |
| — | Ditto | ... | ... | ... | ... | ... | ... | ... | ... | 10 | .. | 65 |
| 7 | Ditto | ... | ... | ... | ... | ... | ... | ... | ... | 12 | .. | 62 |
| 8 | Ditto | ... | ... | ... | ... | ... | ... | ... | ... | 11 | .. | 60 |
| 9 | Ditto | ... | ... | ... | ... | ... | ... | ... | ... | 10 | .. | 60 |
| 10 | Ditto | ... | ... | ... | ... | ... | ... | ... | ... | 10 | .. | 61 |
| 11 | Ditto | ... | ... | ... | ... | ... | ... | ... | ... | 9 | .. | 47 |
| — | Ditto | ... | ... | ... | ... | ... | ... | ... | ... | 10 | .. | 23 |
| — | Henry, Earl of Lancaster | ... | ... | ... | ... | ... | ... | ... | ... | 12 | .. | 39 |
| — | Ditto | ... | ... | ... | ... | ... | ... | ... | ... | 8 | .. | 33 |
| 12 | Ditto | ... | ... | ... | ... | ... | ... | ... | ... | 11 | .. | 45 |
| 13 | Ditto | ... | ... | ... | ... | ... | ... | ... | ... | 9 | .. | 44 |
| — | Ditto | ... | ... | ... | ... | ... | ... | ... | ... | 10 | .. | 45 |
| 14 | Ditto | ... | ... | ... | ... | ... | ... | ... | ... | 12 | .. | 44 |
| — | Ditto | ... | ... | ... | ... | ... | ... | ... | ... | 7 | .. | 44 |
| 15 | Ditto | ... | ... | ... | ... | ... | ... | ... | ... | 7 | .. | 45 |
| 16 | Laurence de Hastings, E. of Pembroke | ... | ... | ... | ... | ... | ... | ... | ... | 9 | .. | 94 |
| — | Henry, E. of Lancaster | ... | ... | ... | ... | ... | ... | ... | ... | 2 | .. | 90 |
| — | Ditto | ... | ... | ... | ... | ... | ... | ... | ... | 4 | .. | 17 |
| 17 | Ditto | ... | ... | ... | ... | ... | ... | ... | ... | 11 | .. | 40 |
| 18 | Ditto | ... | ... | ... | ... | ... | ... | ... | ... | 13 | .. | 40 |
| 20 | John de Warren, E. of Surrey | ... | ... | ... | ... | ... | ... | ... | ... | 4 | .. | 12 |
| — | Ditto | ... | ... | ... | ... | ... | ... | ... | ... | 7 | .. | 9 |
| — | H., E. of Lancaster | ... | ... | ... | ... | ... | ... | ... | ... | 10 | .. | 30 |
| 22 | Ditto | ... | ... | ... | ... | ... | ... | ... | ... | 10 | .. | 30 |
| — | Ditto | ... | ... | ... | ... | ... | ... | ... | ... | 9 | .. | 56 |
| 24 | Ditto Edward, Prince of Wales, D. of Cornwall, and E. of Chester, 16 Assistants, and 4 King's Sergeants } | ... | ... | ... | ... | ... | ... | ... | ... | 10 | .. | 50 |
| 25 | H., D. of Lancaster, and Edward, Prince of Wales | ... | ... | ... | ... | ... | ... | ... | ... | 11 | .. | 52 |
| 26 | Ditto, ditto | ... | ... | ... | ... | ... | ... | ... | ... | 11 | .. | 24 |
| 27 | Ditto, ditto | ... | ... | ... | ... | ... | ... | ... | ... | 11 | .. | 43 |
| 28 | Ditto, ditto | ... | ... | ... | ... | ... | ... | ... | ... | 11 | .. | 48 |
| 29 | H., D. of Lancaster | ... | ... | ... | ... | ... | ... | ... | ... | 7 | .. | 41 |
| 31 | Humphry de Bohun, E. of Hereford | ... | ... | ... | ... | ... | ... | ... | ... | 6 | .. | 38 |
| — | Edward, P. of Wales | ... | ... | ... | ... | ... | ... | ... | ... | 11 | .. | 50 |
| 32 | Thomas de Bello Campo, E. of Warren | ... | ... | ... | ... | ... | ... | ... | ... | 6 | .. | 101 |
| 33 | Richard, E. of Arundell | ... | ... | ... | ... | ... | ... | ... | ... | 3 | .. | 19 |
| 34 | Humf. de Bohun, E. of Hereford and Essex | ... | ... | ... | ... | ... | ... | ... | ... | 3 | .. | 20 |
| — | Edward, P. of Wales, Hen. D. of Lancaster, (Lionel, the King's son, E. of Ulton; not an Irish Lord, among the Earls) | ... | ... | ... | ... | ... | ... | ... | ... | 11 | .. | 43 |
| 36 | John, E. of Lancaster (his Son) | ... | ... | ... | ... | ... | ... | ... | ... | 8 | .. | 29 |
| 37 | Ditto | ... | ... | ... | ... | ... | ... | ... | ... | 9 | .. | 40 |
| 38 | Ditto | ... | ... | ... | ... | ... | ... | ... | ... | 5 | .. | 41 |
| 39 | Ditto | ... | ... | ... | ... | ... | ... | ... | ... | 10 | .. | 41 |
| 42 | Edward, P. of Wales and Aquitaine (eldest Son) | ... | ... | ... | ... | ... | ... | ... | ... | 10 | .. | 41 |
| — | John, D. of Lancaster | ... | ... | ... | ... | ... | ... | ... | ... | 10 | .. | 41 |
| 43 | J., D. of Lancaster | ... | ... | ... | ... | ... | ... | ... | ... | 10 | .. | 41 |
| — | Ditto | ... | ... | ... | ... | ... | ... | ... | ... | 10 | .. | 45 |
| 44 | Edward, P. of Wales and Aquitaine | ... | ... | ... | ... | ... | ... | ... | ... | 11 | .. | 49 |
| 46 | Richard, E. of Arundell | ... | ... | ... | ... | ... | ... | ... | ... | 1 | .. | 18 |
| — | But in Writs of Prerogation and Resummons, Ed- ward, P. of Wales, John, King of Castille and Leon, } Duke of Lancaster and others | ... | ... | ... | ... | ... | ... | ... | ... | 7 | .. | 18 |
| 47 | Richard, E. of Arundell | ... | ... | ... | ... | ... | ... | ... | ... | 5 | .. | 33 |
| 49 | John, King of Castille and Leon, &c. | ... | ... | ... | ... | ... | ... | ... | ... | 9 | .. | 38 |
| 50 | Richard, P. of Wales, D. of Cornwall, and E. of Chester, (Grandson), John, King of Castille, &c. } | ... | ... | ... | ... | ... | ... | ... | ... | 10 | .. | 35 |
| RICHARD II. | | | | | | | | | | | | |
| 1 | John, King of Castille, &c. (Uncle) | ... | ... | ... | ... | ... | ... | ... | ... | 12 | .. | 47 |
| 2 | Ditto | ... | ... | ... | ... | ... | ... | ... | ... | 14 | .. | 44 |
| 3 | Ditto | ... | ... | ... | ... | ... | ... | ... | ... | 13 | .. | 47 |
| 4 | Ditto | ... | ... | ... | ... | ... | ... | ... | ... | 11 | .. | 44 |
| 5 | Ditto | ... | ... | ... | ... | ... | ... | ... | ... | 10 | .. | 44 |

| A.R. | | | | | | Dukes. | Mar- quises. | Earls. | Vis- counts. | Barons. |
|------------|---|-----|-----|-----|-----|--------|-----------------|--------|-----------------|---------|
| 6 | John, King of Castile, &c. (Uncle) | ... | ... | ... | ... | ... | ... | 8 | ... | 45 |
| 7 | Ditto | ... | ... | ... | ... | ... | ... | 11 | ... | 48 |
| 8 | Ditto | ... | ... | ... | ... | ... | ... | 11 | ... | 49 |
| 9 | Ditto | ... | ... | ... | ... | 2 | ... | 11 | ... | 50 |
| 10 | Edward, D. of York (Uncle) | ... | ... | ... | ... | 1 | 1 | 9 | ... | 44 |
| 11 | Ditto | ... | ... | ... | ... | 2 | ... | 8 | ... | 47 |
| 12 | Ditto | ... | ... | ... | ... | 1 | ... | 8 | ... | 34 |
| 13 | Ditto | ... | ... | ... | ... | 1 | ... | 9 | ... | 42 |
| 14 | John, Duke of Lancaster | ... | ... | ... | ... | 2 | ... | 9 | ... | 46 |
| 15 | Ditto | ... | ... | ... | ... | 2 | ... | 10 | ... | 42 |
| 16 | John, D. of Lancaster and Aquitaine | ... | ... | ... | ... | 2 | ... | 10 | ... | 41 |
| 17 | Ditto | ... | ... | ... | ... | 2 | ... | 10 | ... | 42 |
| 18 | Ditto | ... | ... | ... | ... | 2 | ... | 11 | ... | 40 |
| 19 | Henry, E. of Derby | ... | ... | ... | ... | 2 | ... | 11 | ... | 29 |
| 20 | John, D. of Aquitaine and Lancaster | ... | ... | ... | ... | 2 | ... | 11 | ... | 38 |
| 21 | Ditto | ... | ... | ... | ... | 3 | 1 | 6 | ... | 23 |
| 22 | Henry, D. of Lancaster | ... | ... | ... | ... | 4 | 1 | 10 | ... | 34 |
| HENRY IV. | | | | | | | | | | |
| 1 | H., D. of Lancaster | ... | ... | ... | ... | 4 | 1 | 10 | ... | 34 |
| 2 | Henry, P. of Wales and D. of Cornwall (Son) | ... | ... | ... | ... | 1 | ... | 10 | ... | 35 |
| 3 | Ditto | ... | ... | ... | ... | 1 | ... | 8 | ... | 32 |
| 4 | Ditto | ... | ... | ... | ... | 1 | ... | 7 | ... | 32 |
| 5 | Ditto | ... | ... | ... | ... | 1 | ... | 7 | ... | 33 |
| 6 | Ditto | ... | ... | ... | ... | 1 | ... | 8 | ... | 33 |
| 7 | Ditto | ... | ... | ... | ... | 1 | ... | 8 | ... | 32 |
| 8 | Ditto | ... | ... | ... | ... | 1 | ... | 6 | ... | 32 |
| 9 | Ditto | ... | ... | ... | ... | 1 | ... | 5 | ... | 35 |
| HENRY V. | | | | | | | | | | |
| 1 | Thomas, D. of Clarence (Brother) | ... | ... | ... | ... | 1 | ... | 9 | ... | 29 |
| 2 | Edward Courtenay, E. of Devon | ... | ... | ... | ... | ... | ... | 6 | ... | 32 |
| 3 | Thomas, D. of Clarence and E. of Albemarle | ... | ... | ... | ... | 3 | ... | 11 | ... | 28 |
| 4 | Rad., E. of Westmorland | ... | ... | ... | ... | ... | ... | 1 | ... | 17 |
| 5 | T., D. of Clarence | ... | ... | ... | ... | 2 | ... | 10 | ... | 14 |
| 6 | Thomas, D. of Exon, (Uncle) | ... | ... | ... | ... | ... | ... | 3 | ... | 14 |
| 7 | Henry Percy, E. of Northumberland, (Uncle) | ... | ... | ... | ... | ... | ... | 2 | ... | 13 |
| 8 | John, D. of Bedford, (Brother) | ... | ... | ... | ... | 1 | ... | 6 | ... | 30 |
| 9 | H. Percy, E. of Northumberland | ... | ... | ... | ... | ... | ... | 3 | ... | 13 |
| HENRY VI. | | | | | | | | | | |
| 1 | Humfrey, D. of Gloucester (Uncle) | ... | ... | ... | ... | 1 | ... | 5 | ... | 16 |
| 2 | Ditto | ... | ... | ... | ... | 1 | ... | 5 | ... | 15 |
| 3 | Thomas, D. of Exon (Uncle) | ... | ... | ... | ... | 1 | ... | 6 | ... | 22 |
| 4 | John, D. of Bedford (Uncle) | ... | ... | ... | ... | 3 | ... | 2 | ... | 23 |
| 5 | H., D. of Gloucester | ... | ... | ... | ... | 1 | ... | 4 | ... | 22 |
| 6 | Ditto | ... | ... | ... | ... | 1 | ... | 7 | ... | 26 |
| 7 | Ditto | ... | ... | ... | ... | 1 | ... | 5 | ... | 21 |
| 8 | Ditto | ... | ... | ... | ... | 1 | ... | 6 | ... | 25 |
| 9 | Ditto | ... | ... | ... | ... | 1 | ... | 6 | ... | 26 |
| 10 | J., D. of Bedford | ... | ... | ... | ... | 2 | ... | 8 | ... | 26 |
| 11 | Ditto | ... | ... | ... | ... | 2 | ... | 8 | ... | 26 |
| 12 | Ditto | ... | ... | ... | ... | 2 | ... | 7 | ... | 27 |
| 13 | H., D. of Gloucester | ... | ... | ... | ... | 1 | ... | 7 | ... | 26 |
| 14 | Ditto | ... | ... | ... | ... | 2 | ... | 6 | ... | 26 |
| 15 | Ditto | ... | ... | ... | ... | 2 | ... | 11 | ... | 28 |
| 16 | Ditto | ... | ... | ... | ... | 4 | 2 | 7 | 1 | 30 |
| 17 | Ditto | ... | ... | ... | ... | 4 | 2 | 7 | 1 | 32 |
| 18 | Richard, D. of York | ... | ... | ... | ... | 5 | ... | 6 | 1 | 39 |
| 19 | W., D. of Suffolk | ... | ... | ... | ... | 5 | ... | 7 | 1 | 35 |
| 20 | R., D. of York | ... | ... | ... | ... | 4 | ... | 9 | 1 | 40 |
| 21 | Ditto | ... | ... | ... | ... | 4 | ... | 12 | 3 | 35 |
| 22 | Ditto | ... | ... | ... | ... | 3 | ... | 11 | 2 | 25 |
| 23 | H., D. of Exon | ... | ... | ... | ... | 2 | ... | 9 | 2 | 25 |
| 24 | George, D. of Clarence | ... | ... | ... | ... | 3 | 1 | 7 | ... | 23 |
| EDWARD IV. | | | | | | | | | | |
| 1 | John, D. of Norfolk | ... | ... | ... | ... | ... | ... | 4 | 1 | 31 |
| 2 | Richard, E. of Warwick | ... | ... | ... | ... | ... | ... | 4 | ... | 37 |
| 3 | George, D. of Clarence (Brother) | ... | ... | ... | ... | 2 | 1 | 10 | ... | 26 |
| 4 | Ditto | ... | ... | ... | ... | 9 | ... | 8 | ... | 23 |
| 5 | Ditto | ... | ... | ... | ... | 3 | ... | 8 | ... | 25 |
| 6 | Edward, P. of Wales, (Son) | ... | ... | ... | ... | 4 | 1 | 7 | ... | 32 |

A TABLE

Of all the Parliaments of England from the 49th of Henry III., to the 1st of William and Mary,
with their dates and duration.

| A. R. | | | | HENRY III. | Days. |
|-------|----------------------|------------|----------------|-------------|-------|
| 49 | London | Jan. 21 | — Feb. 10 | (W) | 21 |
| | | | | EDWARD I. | |
| 23 | Westminster .. | Nov. 27 | — | | |
| 24 | Bury St. Edmund's .. | Nov. 3 | — | | |
| 25 | London | Sept. 30 | — | | |
| 26 | York | May 25 | — | | |
| 28 | London | March 6 | — 20 | (W) | 15 |
| 29 | Lincoln | Jan. 20 | — 30 | (W) | 11 |
| 30 | London | Oct. 14 | — 31 | (W) | 8 |
| 33 | Westminster .. | Feb. 28 | — March 23 | (W) | 34 |
| 34 | Westminster .. | May 30? | — | ... .. | 1 |
| 35 | Carlisle | Jan. 20 | — March 10 | (W) | 51 |
| | Carlisle (C)* .. | March 12 | — 19 | ... .. | 8 |
| | | | | EDWARD II. | |
| 1 | Northampton .. | { Oct. 13 | | | |
| | Westminster .. | { Jan. 7 | | | |
| 2 | Westminster .. | March 3 | — | | |
| 5 | London | April 28 | — May 13 | (W) | 16 |
| | | Aug. 8 | — Oct. 9 | (W) | |
| 6 | Westminster .. | Nov. 5 | — Dec. 18 | (W) | 133 |
| | | Aug. 20 | — | | |
| | | Sept. 30 | — Dec. 16 | (W) | 119 |
| — | Westminster .. | March 18 | — April 7 | ... .. | 21 |
| 7 | Westminster .. | July 8 | — 27 | ... .. | 20 |
| — | Westminster .. | Sept. 23 | — Nov. 15 | ... .. | 54 |
| 8 | York | Sept. 9 | — 27 | (W) | 19 |
| 9 | Westminster .. | Jan. 20 | — March 9 | ... .. | 50 |
| 10 | Lincoln | Jan. 27 | — Feb. 10 | (W) | 25 |
| 12 | Lincoln | July 29 | — Aug. 8 | (W) | 11 |
| — | York | Oct. 20 | — Dec. 9 | ... .. | 51 |
| 14 | Westminster .. | May 6 | — 25 | ... .. | 20 |
| 15 | Westminster .. | Oct. 6 | — 25 | ... .. | 20 |
| 16 | York | July 15 | — Aug. 22 | ... .. | 39 |
| — | Rippon | May 2 | — 19 | ... .. | 18 |
| 17 | Westminster .. | Nov. 14 | — 29 | (W) | 16 |
| 18 | Salisbury (C) .. | Feb. 23 | — March 18 | (W) | 24 |
| 19 | London | Oct. 20 | — Nov. 10 | (W) | 22 |
| 20 | Westminster .. | Nov. 18 | — Dec. 5 | (W) | 18 |
| | | Jan. 7 | — Continued to | | |
| | | | | EDWARD III. | |
| 1 | Westminster .. | Feb. 15-23 | — March 9 | (W) | 63 |
| — | Lincoln | Sept. 15 | — 22 | (W) | 9 |
| 2 | York | Feb. 7 | — March 5 | (W) | 28 |
| — | Northampton .. | April 24 | — May 14 | (W) | 31 |
| — | York | July 31 | — Aug. 6 | (W) | 7 |
| 3 | New Sarum | Oct. 16 | — 31 | (W) | 16 |
| 4 | Westminster .. | Feb. 9 | — 22 | (W) | 14 |
| — | Winton | March 11 | — 23 | (W) | 13 |
| — | Westminster .. | Nov. 26 | — Dec. 9 | (W) | 14 |
| 5 | Westminster .. | Sept. 30 | — Oct. 9 | (W) | 10 |
| 6 | Westminster .. | March 16 | — 21 | (W) | 6 |
| — | Westminster .. | Sept. 9 | — 12 | (W) | 4 |
| 7 | York | Dec. 2 | — 11 | (W) | 57 |
| — | York | Jan. 20 | — 26 | (W) | |
| 8 | Westminster .. | Feb. 21 | — March 2 | (W) | 11 |
| — | York | Sept. 19 | — 23 | (W) | 6 |
| 9 | York | May 26 | — June 3 | (W) | 9 |
| 10 | Westminster .. | March 11 | — 20 | (W) | 10 |

• Councils are denoted by the letter C.

| A. R. | | | | | | Days. |
|-------------|-----------------|----|----------|----------------|-----------|-------|
| — | Nottingham | .. | Sept. 23 | — 26 | (W) ... | 4 |
| 11 | Westminster* | .. | Jan. 13 | — March 3-13 | (W) ... | 11 |
| — | Westminster | .. | Sept. 26 | — Oct. 4 | (W) ... | 9 |
| 12 | Westminster | .. | Feb. 3 | — 14 | (W) ... | 12 |
| — | Northampton | .. | July 26 | — Aug. 2 | (W) ... | 8 |
| — | Westminster | .. | Jan. 14 | — Prorogued to | (W) ... | 15 |
| 13 | Westminster | .. | Feb. 3 | — 17 | (W) .. | 16 |
| — | Westminster | .. | Oct. 13 | — 28 | (W) ... | 32 |
| — | Westminster | .. | Jan. 30 | — Feb. 20 | (W) ... | 43 |
| 14 | Westminster | .. | March 29 | — May 10 | (W) ... | 15 |
| — | Westminster | .. | July 12 | — 26 | (W) ... | 26 |
| 15 | Westminster | .. | April 23 | — May 18 (27) | (W) ... | 23 |
| 17 | Westminster | .. | April 28 | — May 20 | (W) ... | 13 |
| 18 | Westminster | .. | June 16 | — 28 | (W) ... | 10 |
| 20 | Westminster | .. | Sept. 11 | — 20 | (W) ... | 8 |
| 21 | Westminster | .. | Jan. 14 | — 21? | (R) ... | 24 |
| 22 | Westminster | .. | March 21 | — April 13 | (W) ... | 25 |
| 25 | Westminster | .. | Jan. 19 | — Feb. 12 | (W) ... | 22 |
| 25 | Westminster | .. | Feb. 9 | — March 1 | (W) ... | 30 |
| 26 | Westminster (C) | .. | Jan. 13 | — Feb. 11 | (W) ... | 10 |
| 27 | Westminster | .. | Aug. 16 | — 25 | (W) ... | 20 |
| 28 | Westminster | .. | Sept. 23 | — Oct. 12 | (W) ... | 23 |
| 29 | Westminster† | .. | April 28 | — May 20 | (W) ... | 19 |
| 31 | Westminster | .. | Nov. 12 | — 30 | (W) ... | 37 |
| 32 | Westminster | .. | April 10 | — May 16 | (W) ... | 23 |
| 34 | Westminster | .. | Feb. 5 | — 27 | (W) ... | 26 |
| 35 | Westminster | .. | May 15 | — Feb. 18 | (W) ... | 36 |
| 36 | Westminster | .. | Jan. 24 | — Nov. 17 | (W) ... | 25 |
| 37 | Westminster | .. | Oct. 13 | — 30 | (W) ... | 40 |
| 38 | Westminster‡ | .. | Jan. 20 | — Feb. 28 | (W) ... | 8 |
| 40 | Westminster | .. | May 4 | — 11 | (W) ... | 21 |
| 42 | Westminster | .. | May 1 | — 21 | (W) ... | 8 |
| 43 | Westminster | .. | June 3 | — 10 | (W) ... | 35 |
| 45 | Westminster | .. | Feb. 24 | — March 29 | (W) ... | 10 |
| 46 | Winton (C) | .. | June 8 | — 17 | (W) ... | 22 |
| 47 | Westminster | .. | Nov. 3 | — 24 | (W) ... | 18 |
| 50 | Westminster§ | .. | Nov. 23 | — Dec. 10 | (W) ... | 70 |
| 51 | Westminster | .. | April 28 | — July 10 | (W) 6 (R) | 36 |
| | | .. | Jan. 27 | — March 2 | (W) ... | |
| RICHARD II. | | | | | | |
| 1 | Westminster | .. | Oct. 13 | — Nov. 28 | (W) ... | 47 |
| 2 | Gloucester | .. | Oct. 20 | — Nov. 16 | (W) ... | 29 |
| — | Westminster | .. | April 25 | — May 27 | (W) ... | 33 |
| 3 | Westminster | .. | Jan. 16 | — March 3 | (W) ... | 47 |
| 4 | Northampton | .. | Nov. 5 | — Dec. 6 | (W) ... | 32 |
| 5 | Westminster | .. | Nov. 3 | — Dec. 15 | (W) ... | 115 |
| — | Westminster | .. | Jan. 24 | — Feb. 25 | (W) ... | 16 |
| 6 | Westminster | .. | May 7 | — 22 | (W) ... | 19 |
| — | Westminster | .. | Oct. 6 | — 24 | (W) ... | 17 |
| 7 | Westminster | .. | Feb. 23 | — March 10 | (W) ... | 32 |
| — | Westminster | .. | Oct. 26 | — Nov. 26 | (W) ... | 29 |
| 8 | N. Sarum | .. | April 29 | — May 27 | (W) ... | 43 |
| 9 | Westminster | .. | Nov. 12 | — Dec. 24 | (W) ... | 48 |
| 10 | Westminster | .. | Oct. 20 | — Dec. 6 | (W) ... | 59 |
| 11 | Westminster | .. | Oct. 1 | — Nov. 28 | (W) (D) | 122 |
| 12 | Cambridge | .. | Feb. 3 | — June 4 | (W) ... | 39 |
| 13 | Westminster | .. | Sept. 9 | — Oct. 17 | (W) ... | 46 |
| 14 | Westminster | .. | Jan. 17 | — March 2 | (W) ... | 22 |
| 15 | Westminster | .. | Nov. 12 | — Dec. 3 | (W) (D) | 30 |
| 16 | Winton | .. | Nov. 3 | — Dec. 2 | (W) ... | 22 |
| 17 | Westminster | .. | Jan. 30 | — Feb. 10 | (W) ... | 40 |
| 18 | Westminster | .. | Jan. 27 | — March 6 | (W) ... | 20 |
| 20 | Westminster | .. | Jan. 27 | — Feb. 15 | (W) ... | 22 |
| 21 | Westminster | .. | Jan. 22 | — Feb. 12 | (W) ... | 137 |
| — | Westminster | .. | Sept. 17 | — Sept. 29 | (W) ... | |
| — | Westminster | .. | Jan. 28 | — 31 | (W) ... | |

* 11 Edward 3. Prynne's Test of Writs from Monday after F. of St. Matthias, is Sept. 12, and yet he says, iv. 154, they sat but 11 days. The Writ is, in other respects, erroneous.

† The Rolls pass from 29 to 36 Edward 3.

‡ The Rolls end this Parliament on the 18th, but the Writ in Prynne, iv. 167, is Feb. 28.

§ Prynne ix. 301, by mistake, admits the Feast of St. Gregory, instead of St. George.

| A. R. | | | HENRY IV. | Days. |
|-------|----------------------|----|-------------------------------------|-------|
| 1 | Westminster | .. | Oct. 6 — Nov. 19 (W) ... | 45 |
| 2 | Westminster | .. | Jan. 20 — March 10 (W) ... | 51 |
| 3 | Westminster | .. | Jan. 29 — | |
| 4 | .. | .. | Sept. 15-30 — Nov. 26 (W) ... | 57 |
| 5 | Westminster | .. | Jan. 14 — March 20 (W) ... | 66 |
| 6 | Coventry | .. | Oct. 6 — Nov. 13 (W) ... | 39 |
| 7 | Westminster | .. | (1) March 1 — April 3 } (W) ... | 297 |
| | .. | .. | (2) April 25 — June 19 } (W) ... | |
| | .. | .. | (3) Oct. 13 — Dec. 24 } (W) (D) ... | 44 |
| 9 | Gloucester | .. | Oct. 20 — Dec. 2 (W) (D) ... | 44 |
| 11 | Westminster | .. | (1) Jan. 27 — March 15 (R) ... | 104 |
| | .. | .. | (2) April 7 — May 9 (R) ... | |
| 13 | Westminster | .. | Nov. 3 — Dec. 19 (D) ... | 47 |
| 14 | Westminster | .. | Feb. 3 — March 20 ... | 47 |
| | | | HENRY V. | |
| 1 | Westminster | .. | May 15 — June 9 (W) ... | 26 |
| 2 | Leicester | .. | April 30 — May 29 (W) ... | 30 |
| 3 | Westminster | .. | Nov. 19 — | |
| | Westminster | .. | Oct. 21 — Prorogued to | |
| | .. | .. | Nov. 4 — 17 ? ... | 28 ? |
| | Westminster | .. | March 16 — April 8 ... | |
| | .. | .. | May 10 — | |
| 4 | Westminster | .. | Oct. 19 — Nov. 18 (R) ... | 31 |
| 5 | Westminster | .. | Nov. 16 (?) — Dec. 17 (D) ... | 33 |
| 7 | Westminster | .. | Oct. 16 — Nov. 13 ? (R) ... | 29 |
| 8 | Westminster | .. | Dec. 2 — | |
| 9 | Westminster | .. | May 2 — | |
| | Westminster | .. | Dec. 1 — | |
| | | | HENRY VI. | |
| 1 | I. Westminster | .. | Nov. 9 — Dec. 18 (D) ... | 40 |
| 2 | II. Westminster | .. | Oct. 20 — Dec. 17 (D) ... | 132 |
| | .. | .. | Jan. 15 — Feb. 28 (D) ... | |
| 3 | III. Westminster | .. | April 30 — July 14 (D) ... | 76 |
| 4 | IV. Westminster | .. | Feb. 18 — March 20 (D) ... | 105 |
| | .. | .. | April 29 — June 1 (D) ... | |
| 6 | V. Westminster | .. | (1) Oct. 13 — Dec. 8 (D) ... | 164 |
| | .. | .. | (2) Jan. 27 — March 25 (D) ... | |
| 8 | VI. Westminster | .. | (1) Sept. 22 — Dec. 20 (D) ... | 155 |
| | .. | .. | (2) Jan. 16 — Feb. 23 (D) ... | |
| 9 | VII. Westminster | .. | Jan. 12 — March 20 (D) ... | 69 |
| 10 | VIII. Westminster | .. | May 12 — July 17 (D) ... | 67 |
| 11 | IX. Westminster | .. | (1) July 8 — Aug. 13 (D) ... | 167 |
| | .. | .. | (2) Oct. 13 — Dec. 21 (D) ... | |
| 14 | X. Westminster | .. | Oct. 10 — Dec. 23 (D) ... | 75 |
| 15 | XI. Westminster | .. | Jan. 21 — March 27 (D) ... | 67 |
| 18 | XII. Westminster | .. | Nov. 12 — Dec. 21 ... | |
| | .. | .. | Jan. 14 — | |
| 20 | XIII. Westminster | .. | Jan. 25 — March 27 (D) ... | 63 |
| 23 | XIV. Westminster† | .. | Feb. 25 — March 15 ... | |
| | .. | .. | April 29 — June 5 ... | |
| 24 | .. | .. | Oct. 20 — Dec. 15 ... | 411 |
| | .. | .. | Jan. 24 — April 9 ... | |
| 25 | XV. Bury St. Edmunds | .. | Feb. 10 — March 3 (R) ... | 23 |

* The Writs de Expensis are not extant, and the Rolls give no termination.

† This Parliament is prorogued on account of the Plague. The Rolls say it sat 200 days. In the above List, the whole term, from the first to the last day, is always included.

| A. R. | | | | | | Days. |
|-------|-----------------------|-----|---|-----|-----|-------------------|
| 27 | XVI. Westminster | .. | (1) Feb. 12 — April 4 May 7 — 30 | | | 156 |
| | (Winchester) | .. | (2) June 16 — July 16 | (D) | ... | |
| 28 | XVII. Westminster | .. | (1) Nov. 6 — Dec. 17 (2) Jan. 22 — March 30 | | | |
| | (Leicester) | .. | (3) April 29 — | | | |
| 29 | XVIII. Westminster | .. | Nov. 6 — Dec. 18 Jan. 20 — April 29 May 5 — | | | |
| 31 | XIX. Reading | ... | (1) March 6 — 28 April 25 — July 2 Nov. 12 — Prorogued to | | | 400 |
| 32 | (Westminster) | .. | (2) Feb. 11 & 14 — April 16? | | | |
| 33 | XX. Westminster | .. | (1) July 9 — 31 (2) Nov. 12 — Dec. 13 (3) Jan. 14 — | | | |
| 38 | XXI. Coventry | .. | Nov. 20 — Dec. 20 | (D) | ... | 31 |
| 39 | XXII. Westminster | .. | Oct. 7 — 17? | ... | ... | 11 |
| 1 | I. Westminster | .. | Nov. 4 — Dec. 21 May 26 (D) — | ... | ... | 206 |
| 2 | II. Westminster | .. | Feb. 5 | | | |
| 3 | III. Westminster | .. | April 29 — June 17 Nov. 4 — Prorogued to | | | |
| 4 | (York) | ... | Feb. 20 — | | | |
| 4 | ... | ... | May 5 — | | | |
| 4 | ... | ... | Nov. 26 — | | | |
| 7 | (Westminster) | .. | Jan. 21 | | | |
| 7 | IV. Westminster | .. | June 3 — July 1 Nov. 6 — Prorogued to | | | |
| | (Reading) | ... | May 5 — | | | |
| | (Westminster) | .. | May 12 — | | | |
| 10 | V. Westminster | .. | Nov. 26 — Feb. | | | |
| 49 | | | | | | |
| H. 6 | | | | | | |
| 12 | VI. Westminster | .. | (1) Oct. 6 — Nov. 20 (2) Feb. 8 — April 8 (3) Oct. 6 — Dec. 13 (4) Jan. 20 — Feb. 1. (5) May 9 — 28 (6) June 6 — July 18 (7) Jan. 23 — March 14 | (D) | ... | 3 years, 5 months |
| 17 | VII. Westminster | .. | Jan. 16 | | | |
| 22 | VIII. Westminster | .. | Jan. 20 — Feb. 5? | ... | ... | 17 |
| 1 | Westminster | .. | Jan. 23 — Feb. 20 | (D) | ... | 29 |
| 1 | I. Westminster | .. | Nov. 7 | | | |
| 3 | II. Westminster | .. | Nov. 9 | | | |
| 4 | III. Westminster | .. | (1) Jan. 13 — Feb. 23 (2) Oct. 14 — Dec. 4 (3) Jan. 25 — Feb. 27 | (D) | ... | 1 year 45 days. |
| 5 | IV. Westminster | .. | (1) Oct. 17 — Nov. 4 (2) Jan. 26 — March 5 | (D) | ... | 142 |
| 11 | V. Westminster | .. | Oct. 14 | | | |

| A. R. | | | | | Days. |
|-------|--------------|------|--------------|-------------------|-------|
| 12 | Westminster | VI. | Jan. 16 | | |
| 19 | Westminster | VII. | Jan. 25 | | |
| 1 | Westminster | I. | Jan. 21 | HENRY VIII. | |
| 3 | Westminster | II. | (1) Feb. 4 | — Feb. 23 (D) ... | 34 |
| 4 | .. .. | .. | (2) Nov. 4 | — March 30 | |
| 5 | .. .. | .. | Jan. 3 | — Dec. 20 | |
| 6 | .. .. | .. | Nov. 7 | — Prorogued to | |
| 7 | Westminster | III. | (1) Feb. 5 | — April 5 (60) } | 322 |
| 14 | .. .. | .. | (2) Nov. 12 | — Dec. 22 (D) } | |
| 15 | Westminster | IV. | (1) April 15 | — May 21 | 121 |
| 21 | .. .. | .. | June 10 | — July 29 | |
| 22 | .. .. | .. | (2) July 31 | — Aug. 13 (D) } | |
| 23 | Westminster* | V. | Nov. 3 | — 6 | |
| 24 | .. .. | .. | (1) July 30 | — | |
| 25 | .. .. | .. | Jan. 16 | — | |
| 26 | .. .. | .. | (2) Jan. 15 | — March 18 | |
| 28 | .. .. | .. | April 10 | — Prorogued to | |
| 29 | .. .. | .. | (3) Feb. 4 | — May 15 | |
| 30 | .. .. | .. | (4) Jan. 15 | — March 30 | |
| 31 | .. .. | .. | Nov. 3 | — | |
| 32 | Westminster | .. | (5) Feb. 4 | — April 4 (D) | 41 |
| 33 | Westminster | .. | June 8 | — July 18 (D) | |
| 34 | .. .. | .. | (1) April 28 | — May 23 | |
| 35 | .. .. | .. | (2) May 30 | — June 28 | |
| 36 | .. .. | .. | Nov. 3 | — Prorogued to | |
| 37 | .. .. | .. | Jan. 14 | — | |
| 38 | .. .. | .. | (3) April 12 | — May 11 | |
| 39 | .. .. | .. | (4) May 25 | — July 24 (D) | |
| 40 | Westminster | .. | (1) Jan. 16 | — Feb. 4 | |
| 41 | .. .. | .. | (2) Feb. 14 | — April 1 | |
| 42 | .. .. | .. | Nov. 3 | — Adjourned to | |
| 43 | .. .. | .. | (3) Jan. 22 | — May 12 | |
| 44 | .. .. | .. | Nov. 3 | — Prorogued to | |
| 45 | .. .. | .. | (4) Jan. 14 | — March 29 (D) | |
| 46 | Westminster | .. | Jan. 30 | — | |
| 47 | Westminster | .. | (1) Nov. 23 | — Dec. 24 | |
| 48 | .. .. | .. | Nov. 4 | — Prorogued to | |
| 49 | .. .. | .. | (2) Jan. 14 | — 31 (D) | |
| 50 | .. .. | .. |  | EDWARD VI. | |
| 51 | Westminster† | I. | (1) Nov. 4 | — Dec. 24 | |
| 52 | .. .. | .. | April 20 | — Prorogued to | |
| 53 | .. .. | .. | Oct. 15 | — | |
| 54 | .. .. | .. | (2) Nov. 24 | — Dec. 21 | |
| 55 | .. .. | .. | Jan. 2 | — March 14 | |
| 56 | .. .. | .. | (3) Nov. 4 | — Feb. 1 | |
| 57 | .. .. | .. | April 21 | — Prorogued to | |
| 58 | .. .. | .. | Oct. 10 | — | |
| 59 | .. .. | .. | Jan. 20 | — | |
| 60 | .. .. | .. | March 2 | — | |
| 61 | .. .. | .. | Oct. 13 | — | |
| 62 | .. .. | .. | (4) Jan. 23 | — April 15 (D) | |
| 63 | Westminster | II. | March 1 | — 31 (D) ... | 31 |
| 64 | .. .. | .. |  | MARY. | |
| 65 | Westminster | III. | Oct. 5 | — 21 | |
| 66 | .. .. | .. | Oct. 24 | — Prorogued to | |
| 67 | .. .. | .. | Dec. 5 | (D) ... | 62 |
| 68 | Westminster | IV. | April 2 | — May 5 (D) ... | 34 |
| 69 | .. .. | .. |  | PHILIP AND MARY. | |
| 70 | Westminster | V. | Nov. 12 | — Jan. 16 (D) ... | 66 |

* These Prorogations are chiefly on account of the Plague.

† These Prorogations are occasioned by the "Swearing Sickness," and the War with Scotland.

| A. N. | | | | | | Days. |
|--------|--------------|-------|-----------------|-------------------------|---------|------------------------------|
| 2. 3 | Westminster | VI. | Oct. 21 | — Dec. 9 | (D) ... | 50 |
| 4. 5 | Westminster | VII. | (1) Jan. 20 | — March 7 | } ... | 203 |
| | | | (2) Nov. 5 | — 17, (Q. dies) | | |
| | | | ELIZABETH. | | | |
| 1 | Westminster | I. | Jan. 23 | — May 8 | (D) ... | 107 |
| 5 | Westminster | II. | (1) Jan. 11 | — April 10 | } ... | 3 days |
| 6 | ... | ... | Oct. 2 | — Prorogued to | | |
| 7 | ... | ... | Oct. 5 | | | |
| | ... | ... | April 30 | | | |
| | ... | ... | Oct. 4 | | } ... | 4 years, 3 days |
| | ... | ... | Feb. 7 | | | |
| 8. 9 | ... | ... | (2) Sept. 30 | — Jan. 2 | (D) | 58 |
| 13 | Westminster | III. | April 2 | — May 29 | (D) ... | 58 |
| 14 | Westminster | IV. | (1) May 8 | — June 30 | } ... | 11 years, 19 days. |
| 18 | ... | ... | Nov. 2 | — Prorogued to | | |
| | ... | ... | (2) Feb. 8 | — March 15 | | |
| | ... | ... | Nov. 5 | — by 24 prorogations to | | |
| 23 | ... | ... | (3) Jan. 16 | — March 18 | } ... | 11 years, 19 days. |
| | ... | ... | (3) Jan. 16 | — by 17 prorogations to | | |
| 25 | ... | ... | April 24 | | (D) | 9 months, 23 days. |
| | ... | ... | April 19 | | | |
| 27 | Westminster | V. | (1) Nov. 23 | — Dec. 21 | } ... | 9 months, 23 days. |
| | | | (2) Feb. 4 | — March 29 | | |
| | | | May 20 | — by 6 prorogations to | | |
| | | | Sept. 14 | | | |
| 28 | Westminster | VI. | (1) Oct. 15, 29 | — Dec. 2 | } ... | 161 |
| 29 | ... | ... | (2) Feb. 15 | — March 23 | | |
| 30 | Westminster | VII. | Nov. 12 | — Prorogued to | } ... | 129 |
| 31 | ... | ... | Feb. 4 | — March 29 | | |
| 35 | Westminster | VIII. | Feb. 19 | — April 10 | (D) ... | 52 |
| 39 | Westminster | IX. | (1) Oct. 24 | — Dec. 20 | } ... | 109 |
| 40 | ... | ... | (2) Jan. 11 | — Feb. 9 | | |
| 43 | Westminster | X. | Oct. 27 | — Dec. 19 | (D) ... | 54 |
| | | | JAMES I. | | | |
| 1. 2 | Westminster* | I. | (1) March 19 | — July 7 | } ... | 6 years, 10 months, 20 days. |
| 3 | ... | ... | Feb. 7 | — Prorogued to | | |
| | ... | ... | Oct. 3 | | | |
| | ... | ... | (2) Nov. 5 | — 9 | | |
| 3. 4 | ... | ... | (3) Jan. 2, 21 | — May 27 | } ... | 1 year, 9 days. |
| 4 | ... | ... | (4) Nov. 18 | — Dec. 18 | | |
| 4. 5 | ... | ... | Feb. 10. | — March 31 | | |
| | ... | ... | April 20-7 | — July 4 | | |
| | ... | ... | Nov. 16 | — Prorogued to | } ... | 6 years, 10 months, 20 days. |
| | ... | ... | Feb. 10 | | | |
| 6 | ... | ... | Oct. 27 | | | |
| | ... | ... | Feb. 9 | | | |
| 7 | ... | ... | Nov. 9 | | (D) | 64 |
| 7. 8 | ... | ... | (5) Feb. 9 | — July 23 | | |
| 8 | ... | ... | (6) Oct. 16 | — Dec. 6 | | |
| | | | Feb. 9 | | (D) | 1 year, 9 days. |
| 12 | Westminster | II. | April 5 | — June 7 | | |
| 16 | Westminster | | (1) Jan. 30 | — March 27 | } ... | 64 |
| | | | April 17 | — June 4 | | |
| | ... | ... | (2) Nov. 14, 20 | — Dec. 18 | (D) | 1 year, 9 days. |
| | ... | ... | Feb. 8 | | | |
| 19 | ... | ... | Feb. 12 | — May 29 | } ... | 1 year, 44 days. |
| 21. 22 | Westminster | | Nov. 2 | — Prorogued to | | |
| 23 | ... | ... | Feb. 16 | | | |
| | ... | ... | March 15 | | | |
| 25 | ... | ... | March 27 | — King died | } ... | 1 year, 44 days. |
| | | | | | | |

* These Prorogations are made in consequence of the Plague, then raging.

| A. D. | | | | | Days. |
|--------------------------|--------------|-----|------------------------|-------------------|---------------------|
| CHARLES I. | | | | | |
| 1 | Westminster | ... | (1) May 17 | — June 18, July 1 | |
| | (Oxford) | ... | (2) Aug. 1 | — 12 (D) | 56 |
| 1. 2 | Westminster | ... | Feb. 6 | — June 15 (D) | 131 |
| 3. 4 | Westminster | ... | (1) March 17 | — June 26 | |
| | | ... | Oct. 20 | — Prorogued to | 355 |
| 4 | ... | ... | (2) Jan. 20 | — March 10 (D) | |
| 16 | Westminster | ... | April 13 | — May 5 (D) | 23 |
| 17 | Westminster | ... | Nov. 3, 1640 | | |
| | ... | ... | May 10, 1641 | Bill for continu- | |
| | ... | ... | ance of the Parliament | | |
| 26 | ... | ... | Jan. 30, 1649 | King died | |
| | ... | ... | April 20, 1653 | (D) | 12 years, 170 days. |
| | ... | ... | By Cromwell | | |
| CROMWELL. | | | | | |
| 1 | Westminster | ... | July 4 | — Dec. 12 (D) | 162 |
| 2 | Westminster | ... | Sept. 3 | — Jan. 22 (D) | 143 |
| 3. 4 | Westminster | ... | Sept. 17 | — June 26 | 1 year |
| 4 | ... | ... | Jan. 20 | — Feb. 4 (D) | 162 d. |
| RICHARD CROMWELL. | | | | | |
| 1 | Westminster | ... | Jan. 27 | — April 22 (D) | 87 |
| | Westminster* | ... | May 7 | — March 16 (D) | 10 m. |
| | | ... | | | 9 d. |
| CHARLES II. | | | | | |
| 12 | Westminster | ... | April 25 | — Sept. 13 (D) | 8 m. |
| | | ... | Nov. 6 | — Dec. 29 | 4 d. |
| 13 | Westminster | ... | (1) May 8 | — July 30 | |
| | | ... | Nov. 20 | — Dec. 30 | |
| 13. 14 | ... | ... | Jan. 7 | — May 19 | |
| 15 | ... | ... | (2) Feb. 18 | — July 27 | |
| 16 | ... | ... | (3) March 16 | — May 17 | |
| | | ... | Aug. 20 | — Prorogued to | |
| 16. 17 | ... | ... | (4) Nov. 24 | — Dec. 22 | |
| | | ... | Jan. 12 | — March 2 | |
| | | ... | June 21 | — Prorogued to | |
| | | ... | Aug. 1 | | |
| | (Oxford)* | ... | (5) Oct. 9 | — 31 | |
| 18 | ... | ... | Feb. 20 | — Prorogued to | |
| | | ... | April 23 | | |
| 18. 19 | ... | ... | (6) Sept. 18 | — Dec. 22 | |
| | | ... | Jan. 2 | — Feb. 8 | |
| | | ... | July 25-29 | — Prorogued to | |
| 20 | ... | ... | (7) Oct. 10 | — Dec. 19 | |
| | | ... | Feb. 6 | — May 9 | |
| | | ... | Aug. 11 | — Adjourned to | |
| | | ... | Nov. 10 | | |
| 21 | ... | ... | March 1 | — Prorogued to | |
| | | ... | (8) Oct. 19 | — Dec. 11 | |
| 22 | ... | ... | (9) Feb. 14 | — April 11 | |
| | | ... | Oct. 24 | — Dec. 20 | |
| 22. 23 | ... | ... | Jan. 3 | — April 22 | |
| 24 | ... | ... | April 16 | — Prorogued to | |
| | | ... | Oct. 30 | | |
| 25 | ... | ... | (10) Feb. 4 | — March 29 | |
| 25. 26 | ... | ... | (11) Oct. 20-7 | — Nov. 4 | |
| 26 | ... | ... | (12) Jan. 7 | — Feb. 24 | |
| 27 | ... | ... | Nov. 10 | — Prorogued to | |
| | | ... | (13) April 13 | — June 9 | |
| 29 | ... | ... | (14) Oct. 13 | — Nov. 22 | |
| | | ... | (15) Feb. 15 | — April 16 | |
| | | ... | May 21 | — 28 | |
| | | ... | July 16 | — Adjourned to | |
| | | ... | Dec. 3 | | |
| 29. 30 | ... | ... | Jan. 15 | — March 27 | |
| 30 | ... | ... | April 11-29 | — May 13 | |
| | | ... | May 23 | — July 15 | |
| | | ... | Aug. 1 | — Prorogued to | |
| | | ... | Aug. 29 | | |
| | | ... | Oct. 1 | | |
| | | ... | (16) Oct. 21 | — Dec. 30 (D) | |
| | | ... | Jan. 24 | — | |

* This Prorogation is on account of the Plague raging in London and Westminster.
 † The Great Fire occasioned the Prorogation.

| A. R. | | | | | | | Days. |
|-------|-------------|-----|--------------|---|--------------|-----|-------|
| 31 | Westminster | ... | (1) March 6 | — | 13 | | |
| | | | (2) March 15 | — | May 27 | | 83 |
| — | Westminster | ... | July 12 | — | (D) | ... | |
| | | | Oct. 17 | — | Prorogued to | | |
| 32 | ... | ... | Jan. 26 | | | | |
| | | | April 15 | | | | |
| | | | May 17 | | | | |
| | | | July 1 | | | | |
| | | | July 22 | | | | |
| | | | Aug. 23 | | | | |
| | | | Oct. 21 | — | Jan. 18 | (D) | |
| 33 | Oxford | ... | March 21 | — | 28 | (D) | 8 |
| | | | | | | | |
| | | | | | JAMES II. | | |
| 1 | Westminster | ... | May 19 | — | July 2 | | |
| | | | Aug. 4 | — | Prorogued to | | |
| | | | Nov. 9 | — | 20 | | |
| 2 | ... | ... | Feb. 10 | — | Prorogued to | | |
| | | | May 10 | | | | |
| | | | Nov. 22 | | | | |
| | | | Feb. 15 | | | | |
| 3 | ... | ... | April 28 | | | | |
| | | | July 20 | — | (D) | | |

1 year, 94 days.

2 years, 44 days.

THE

Parliaments and Councils of England.

WILLIAM I.

(Dec. 25, 1066.)

Dec. 25. Westminster. He is elected King by the Norman and English "Proceres ac Nobiles," and at his Coronation takes an oath, in the presence of the "Præsules, Abbates et Proceres" of the Kingdom. (a) 1066.
A. R.
1

Shortly after, he holds a Council of his Proceres, and, by their advice, sends Ambassadors to the King of Denmark. (b)

A "Curia," Court or Council, is held at Westminster. Elfric, B. of Peterborough is tried. (c) 1069.
A. R.
3

April 13. (*Easter Monday.*) An Assembly meets at Winchester. There are present the King and his "Proceres," namely Richard his son, the Archb^s of Canterbury and York, nine Bishops, twelve Temporal Lords.

With Matilda the Queen, they subscribe a Charter to the Monks of Deorhyrst. (d)

About the same time, a "Curia" or Synod, is held at London.

In the presence of Matilda, the Queen, the "Principes," the Archb^s, Bishops and Abbots of the Kingdom, the King grants a Charter to St. Pauls.

A "Curia" is held. 1070.
A. R.
4

The Bishops and Abbots, who before held "in purâ et perpetuâ eleemosynâ," (Frank-Alms), are brought under the tenure of Barony, (f)

A "Curia" is held at London or Gloucester.

By the advice of his Barons, the King had summoned from every county, the nobles, wise men, and learned in the law, that he might hear what were their laws and customs. Twelve persons attend from each County, and "presentiâ Baronum," et "communitatis," he confirms King Edward's Laws, with some additions, "ad utilitatem Anglorum." (g)

(a) Florence of Worcester says, the oath was taken "coram Clero et Populo," but the meaning of the term "Populus" seems established by its connection in this place, and by the authority of many other Historians. See Hody on Convocations, p. 143.

(b) Knighton, Coll. 2343.

(c) Annals of Waverley.

(d) Hody, p. 144. Monasticon, Tom I. p. 547. There must be some error here, as the Charter is dated Ann. Dom. Incarnat. 1069 regni Wil. Reg. I.

(e) Monast. Tom. III. p. 305.

(f) Matthew Paris. Roger of Wendover. Selden (Ed. Lond. 1726) III. 728. B.

(g) Selden III. 729; also II. 946. The amended Laws are given II. 1641-58. Hody, 106. 147. Lambard's Archaionomia, 159. These Laws are decreed "in Civitate Claudia."

Aug. 25. (Assumption of the B. V.) A "Curia" assembles at Winchester, which is attended by the King, Bishops, Princes, Clergy, and People. (*h*)

A "Curia" is held at Pedreda (Petherton, Somersetshire) by the King, Archb^s, Abbots, Earls and "Primates," or "Proceres," Angliæ.

The cause between Wulstan, B. of Worcester, and Thomas Archb. of York, is tried. (*i*)

1071. A "Curia" is held at Westminster, composed of many
A. R. chief men of the kingdom.
5

Upon this occasion the Privileges and Liberties of the Abbey are confirmed. (*k*)

A "Curia" "Conventus Principum" is held at Pinne-den Heath (Kent) at which are present the Archb. of Canterbury, Bishops, many Barons of the King and of the Archbishop, and "Episcoporum;" homines multi comitatus et alii aliorum comitatum, homines."

The King confirms a decree, "cum consensu Principum, suorum," respecting the dispute between Odo E. of Kent, Bishop of Bayeux, and the Archb. Lanfranc. (*l*)

1074. *At Christmas*, a "Curia" is held at Westminster. (*m*)

A. R. A "Curia," or "Concilium," is held at London.
9

1075. Archbishop Lanfranc presides. (*n*)

A. R. *May 22. (11 Cal. June.)* A "Concilium" is held at
9 Westminster, which is attended by the Archbishops, ten Bishops, six Abbots, the Chancellor, "et aliis insignibus Proceribus."

A second Charter is granted to the Abbey, with an exemption from the Bishop of London's Jurisdiction. (*o*)

1077. A "Universal Synod" is held at Westminster.

A third Charter to the Abbey is confirmed by many illustrious Persons, "et regni Principibus diversi ordinis, e diversis provinciis et urbibus." The charter is signed by the King, the Queen, their two Sons, two Archb^s, fifteen Bishops, the

(*h*) Hody, 147.

(*i*) See authorities, Hody, 148.

(*k*) Tyrrel, Vol. 1. Dugdale's Orig. Jurid. MSS. Cotton. Faustina A. 3. F. 296. This first Charter, quoted in this last place, is granted "consultu atque consensu Primatum meorum," and is subscribed after the King, by the Queen, Archb. Lanfranc, 6 Bishops, 7 Abbots, the Chancellor, and 14 Lords.

(*l*) Eadmer Hist. Nov. Lib. I. p. 9, &c. Seiden, III. 730. At. II. 1664, the subject of the Decree between the Earl and Archb. is published at length. Hody, 149. 150.

(*m*) Hoveden, p. 262. The Saxon Chronicle says 1076. Hody, 154.

(*n*) Ingulphus, p. 73. Ordericus Vitalis, Hist. Eccl. p. 542. Hody, 155.

(*o*) This Charter, if correctly given in Cotton's Col. Faust. F. 7. 39 b, contains some curious errors. It is dated Anno Dom. Incarn. MLXXV. anno Will. IV. die Pentecostes, 11 Kal. Junii. Only one of all these dates can be right. If the year of our Lord is to be trusted, the regnal year is wrong, which should be 9, and, vice versa, if the regnal year is correct, the year of our Lord should be 1070. The 11 Kal. June is May 22, and, in 1075, the day of Pentecost is May 24. The 11 of the Kalends occurs on no day of Pentecost, in any year in which Easter-day does not fall on the 3d of April, and there is no such occurrence in this reign.

Chancellor, ten Abbots, the King's three Chaplains, thirteen Earls and Barons and others, as above. (p)

Jan. 2. (4 Non. Jan. Ind. IV.) At Christmas, a great Assembly is held of all the "Primates Angliæ." 1081.
A. R.
15

A fourth Charter to the Abbey of Westminster, is authorised and signed, "ab excellentioribus regni personis," namely, the K., Queen, two Archb., thirteen Bishops, Robert the King's Son, the Chancellor, the King's three Chaplains, three Abbots, seventeen Lay Lords. (q)

May 31. (Prid. Calend. Junii.) A Council of the "Principes Terræ" is held in the King's Palace, at Winchester. There are present the Archb., Bishops, Earls and many other "Fideles."

A Charter to the Monks of St. Edmunds Bury, is subscribed by the King and Queen, two Archb., the King's three Sons, the Chancellor, the King's Chaplain, seven Abbots, four Earls, and seven other great men. (r)

A Council "Plenum Concilium" is held at London. 1082.

The Charter granted to the Monks of St. Cuthbert is confirmed.

A Council is held at Westminster "præsentibus omnibus Episcopis et Baronibus." 1084.
A. R.
18

The Charter to the Monks of St. Cuthbert is confirmed by another from the King. (t)

At Christmas, a "Curia" is held at Gloucester. 1085.
A. R.
20

After five days, the Archbishop and "Clerici" present, hold a Synod for three days. Then the King holds a great Council of his Proceres, with whom "graves sermones habuit de hac Terra quomodo incoletetur, et a quibus hominibus. Mittebat idcirco per totam Anglorum terram in singulos comitatus suos servos, quibus permisit scrutari quot Hydarum Centenæ essent in Comitatu, &c. (u)

April 5. (Easter.) The King's "Curia" is held at Winchester. (v) 1086.
A. R.
20

May 24. (Whitsuntide.) The "Curia" meets at Westminster.

The King's youngest son Henry, is made a Knight. (x)

Aug. 1. (Cal. of August.) (In Festo Primitiarum?)
A general Council meets at Salisbury.

(p) Cotton. F 37. b. Hody, 156.

(q) Cotton. f. 4. 2. Hody, 158. It has been said, that, upon this occasion, the King separated the Ecclesiastical from the Temporal Jurisdiction, but the authority (Oldfield Rep. H. 102) is questionable. For the Law itself, see Selden H. 1004, and Hody, 164-5.

(r) Monasticon T. I. 289. Hody, 159.

(s & t) There is a manifest error in regard to the dates of these two years. The confirmation of the Charter appears to have taken place in the first year. "Facta sunt hæc omnia in concilio London: coram Dno. Wil. R., anno 1082, which would probably be a. r. 16; but the King's own Charter of Confirmation is made "apud Westmonasterium concilio meo, anno regni mei 18, &c.; or 1084. See Monasticon, pp. 43 and 44. Tom. I.

(u) Saxon Chronicle. Hody, 161.

(v) Saxon Chronicle. Hody, 162.

(x) Saxon Chronicle. Hody, 162.

"The Proceres et omnes Prædia tenentes, cujuscunque essent Feudi vel Tenementi," the Archbishops, Bishops, Abbots, Earls, Barons, Sheriffs, with their respective "Milites" (military Tenants), the principal Landholders of every description, do homage and swear Fealty to the King. Having "made all England to be described, "quantum Terræ quisque Baronum suorum possidebat," in the Survey called Domesday, the King exacts contributions, according to the valuations there given. (y)

WILLIAM II.

(Sept. 26, 1087.)

1087. *Sunday, Sept. 26.* "Convocatis Terræ Magnatibus,"
A. R. 1 the King is crowned at Westminster. (z)

Dec. 25. A "Curia" is held at London. The two Archbishops, many Bishops, the Justiciaries, and "Principes" of all England are present. (a)

1088. *March (Lent)* an Assembly is held, to which are summoned, "invitatoris scriptis," the Archb. of Cant., with his Suffragan Bishops, the "Comites," and all the English, "fortitudine et probitate insignes." (b)

1092. *Dec. 25.* A "Curia" or Court, is attended by all the
A. R. 6 "Præmores et tota Nobilitas regni." (c)

1093. *March. (Lent.)* A "Curia" meets at Gloucester.
A. R. 6

(y) The difficulty with regard to dates in the earlier periods of our history is well exemplified in the uncertainty which prevails respecting the year in which this meeting was held. The Saxon Chronicle places it in 1086, Henry of Huntingdon in 1083, a. r. 19, the Waverley Annals in 1084, M. of Westminster and Paris in 1084. The latter refers the proceedings to Whitsuntide, at Westminster.

The Lords' Report on the Dignity of the Peerage, Vol. i. p. 34, quotes the Annals of Waverley, "Ibi que venerunt coram Rege Barones sui, et omnes Terrarii qui alieu-jus prelli erant, cujuscunque feodi fuissent, et omnes homines sui effecti sunt." Here the Barons who held in chief of the King are distinguished from those (Terrarii) who held of mesne Lords. Another Parliament or Council of Bishops, Earls and Barons is mentioned in the Year Book, 21 Edw. III., fol. 60, and many others may have occurred, as the Conqueror held his Court regularly at the Feasts of Christmas, Easter, and Whitsuntide, at Gloucester, Winchester, and Westminster, when the great men of the kingdom usually attended him. It appears that no laymen were properly members of the council, except tenants-in-chief of the Crown, and probably only tenants by military service, and "per Baroniam." There is no evidence in this reign of any general aid from the subject by grant of a Legislative Assembly, but the exemption from taxation, except by a Common Council, is implied in the King's Charter, an exemption not extending to the King's demesnes, or to cities and boroughs holding immediately of him, so as to prevent their being afterwards subject to tallage by the King's authority. Report I. 33, 4, 5.

The "Fœdera" N. E. I. contains Charters of uncertain dates, which allude to the Commune Concilium, and describe the acts as "communi consilio, Archiepiscoporum et Episc., et Abbat., et omnium Principum Regni."

(z) Brompton says he was crowned Sept. 27. But for a correction of this and many other dates, see the Table of Regnal Years in the admirable Chronology of History, by Sir Harris Nicolas. Hody, 174.

(a) Brompton, in Hody, 174.

(b) Ordericus Vitalis, Malmesbury, Huntingdon, the Saxon Chronicle, Florence of Worcester, M. Paris, the Waverley Annals, and Hemingford. Hody, 176.

(c) Eadmer, Hody, 176.

The "Principes totius Regni," the Bishops, Abbots, and some Nobles are present.

Malcolm K. of Scotland has an interview. (d)

Some months after, a "Conventus Nobilium" assembles at Winchester.

Anselm, Archb. of Canterbury, does homage. (e)

Another "Conventus" is held at Hastings. "Ex præcepto Regis," all the Bishops, with the "Princes" of England, attend. (f)

Sunday, March 12. A general Council assembles at one o'clock, in the Church of the Castle at Rockingham, by the King's decree. The Archb. Anselm, the Bishops, Abbots and "Principes," and a numerous multitude of Monks, Clergy, and Laïcs, as assistants, are present.

The day being Sunday the King adjourns the meeting to the following day. (g)

May 28. (*Pentecost or Whitsuntide.*) A "Curia" is held at Windsor. The "Principes, Proceres" and others, are present. (h)

August. A Meeting is held, by the King's Edict, and is attended by the Bishops, Abbots, and the "Proceres regni," "de statu regni acturi." (i)

Dec. 25. (*F. of the Nativity, Natale.*) A "Curia" is held.

A summons is issued to all such as wish to hold land under the King, "et eam in pace tenere." (k)

Jan. 13. (*Octaves of Epiphany.*) A "Curia" is held at Salisbury. The King meets all his Barons. (l)

May 24. (*Whitsuntide.*) A "Curia" is held.

"Peractis festivioribus diebus, diversorum negotiorum causæ in medium duci ex more ceperunt." (m)

(d) Eadmer and others, Hody, 177; and for this interview, Florence and other Historians, at pp. 180, 181.

(e) Eadmer, Hody, p. 177.

(f) Eadmer, Hody, 177.

(g) Eadmer was present at this Assembly, as an attendant upon Archbp. Anselm. Selden Tit. of Hen. p. 730. Hody, 178. There appears to be some error as to these dates. The day was Sunday, and is said to have been the 11th of March, 1094. But this 11th was on a Saturday. In 1095, the 11th of March was on Sunday. This seeming mistake is noticed in order to call attention to the difference between the commencement of years at different periods, for which see Sir Harris Nicolas Chr. of H. p. 37.

(h) Eadmer, in Hody, p. 179.

(i) Eadmer. Selden says, this meeting took place a year or two after that at Rockingham, p. 731. But he must be wrong, as he places this last in the year 1094, and then speaking of the former, quotes Eadmer and Florence of Worcester, "sub anno 1093." Hody, p. 180, is also confused here. See pp. 179 and 180. In the first, he gives the year 1094, and then says, "some little time after, viz. an. 1097." These differences cannot be reconciled.

(k) Ann. of Waverley, Hody, 181.

(l) Ann. of Wav. do. 181.

(m) Eadmer in Hody, 180.

1094.
A. R.
7

1095.
A. R.
9

1096.
A. R.
9

1097.
A. R.
10

1099. *Christmas or Whitsuntide.* A "Curia" is held in Westminster Hall (just finished). (*n*)

A. R.
12
OF
13

HENRY I.

(Aug. 5. 1100.)

1100. *Aug. 5.* At his Coronation, "Clerus Angliæ et Populus Universus" are summoned to Westminster, where "communi concilio et consensu Baronum" the King confirms the Laws of Edward the Confessor, as amended by his Father, Will. 1. Copies of the new Charter, "Testibus Archiepiscopis, Episcopis, Comitibus, Baronibus, Vice-comitibus et Optimatibus totius regni" are sent to every county, the sheriffs attending for the purpose of such conveyance. (*o*)

A Council of "Majores natu et Magnates" is held at London.

The King's marriage with Matilda, daughter of Malcolm, late King of the Scots, is authorised.

1101. *June 9. (Whitsuntide.)* A "Curia" is held, at which are present "tota regni Nobilitas, cum populi numerositate." (*q*)

A. R.
1

Another Assembly is held of the Bishops and "Proceres." (*r*)

A Meeting takes place at Winchester, "Episcopis, terræque Principibus sub una coactis." (*s*)

An Assembly is convened at London, of Bishops, "Principes" or "Proceres." (*t*)

(*n*) The first period is in M. Paris, the next in the Saxon Chron. and the Ann. of Wav. Hody, 181. The Report on the Dignity of the Peerage, alluding to a charter of this King, given in the Fœdera, n. e. l. 5, says it was addressed, "Archiepiscopis, Episcopis, Abbatibus, Comitibus, cæterisque omnibus Baronibus;" from which it may be inferred, that all these persons were included in the general appellation of "Barones;" and it will appear from other documents, that all who composed the great council of the kingdom were frequently afterwards included under the words "Barones" and "Baronagium." There appears in this reign no trace of any assembly of a strictly legislative nature, and the money which the King required was raised from his subjects by various exactions.

(*o*) The "universus populus" of M. Paris sufficiently indicates the limited sense in which this common expression is to be understood. No one will endeavour to maintain that the whole people of England were summoned upon this occasion, and as the people here are placed in connection with the Clergy, and there is no evidence of any others being present besides the Nobility and Sheriffs, it is fair to presume that these were so designated. It is not improbable, that, at this ceremony, as upon other occasions, many persons were also present as assistants, or merely as spectators. Sir H. Spelman observes that the instrument now prepared was the original of Magna Charta, containing most of its articles, either particularly expressed, or generally included. In the reign of King John, the existence of such a charter was almost forgotten. Scarcely a single copy could be found. From it may be inferred that general powers of legislation, except for the purposes of taxation, were then, as well as in the reign of the Conqueror, deemed to belong to the King, either alone, or with the council of persons denominated his Barons. The convention of any Legislative Assembly can be inferred only from this Charter. Report I. 30. 41.

(*p*) Hody, p. 186, from the Lambeth MSS.

(*q*) Eadmer. Hody, 187.

(*r*) Hody, 187, from the Lambeth MSS.

(*s*) Ibid.

(*t*) Ibid.

A Council is held at Westminster, consisting of the Archb. Bishops, Abbots and "Primates regni." (u) 1102.
A. R. 2

March 29. (Easter.) A "Curia is held, which is attended by the "Regni Ingenuitas." (w) 1103.
A. R. 3

A "Curia" is attended by Bishops, Abbots and "Principes." (x)

(Ascension Day.) An Assembly of Barons takes place. (y)

A Council is summoned to London, "edicto regio." 1106.
A. R. 6

The King renews his Charters and obtains the consent of the Assembly to the reduction of Normandy. (z)

April 14. (Easter.) A "Curia" is held at Windsor. 1107.
The "Principes," or "Proceres terræ" are present. A. R. 7

The Ecclesiastical proceedings are deferred till Whitsuntide, and then, till August 1, on account of the Archbishop's sickness. (a)

Aug 1. A "Conventus" of Bishops, Abbots, Earls, Barons, "Optimates et Proceres," is held in the King's Palace, London.

The subject of Ecclesiastical Investitures is treated. (b)

Dec. 25. A "Curia" is held, consisting of Bishops, "Principes et alii rationabiles et religiosi viri." (c) A. R. 8

A "Curia" is held. 1108.
A. R. 8

Various enactments are made relative to the coin &c. (d) 1108.
A. R. 8

May 24. (Whitsuntide) A "Curia" is held at London. 1109.
A. R. 8

New Laws are made enforcing the Injunctions of the Archbishops' Synod against the marriage of the Clergy.

June 13. (Whitsunday.) A "Curia" is held at London, attended by the Bishops and "regni Principes." 1109.
A. R. 9

Ambassadors from the Emp. Hen. V. demand the King's daughter in marriage.

Dec. 25. (Christmas.) A "Curia," attended by the "regnum Angliæ, Landoniæ pro more convenit." (g) A. R. 10

May 29. (Whitsuntide.) A "Curia" is held at New Windsor, which the King had built. (h) 1110.
A. R. 10

(u) Ibid. 187-8. Selden, Tit. of H. 731. Eadmer and W. Malmesbury.

(w) "Ingenuitas," those well born, or of good extraction. Plautus, Mil. 3, l. 136, uses the word "ingenuatus" for well born, or conditioned. Hody, 189, from the Lambeth MSS.

(x) Eadmer, cited by Hody, 189.

(y) Eadmer, l. c. 189.

(z) Eadmer, M. Paris, anno 1106. Hody, 189.

(a) Eadmer, apud Hody, 189. This latter is very obscure here. See Easter at p. 189, and Easter at p. 193. The two meetings are presumed to be one and the same.

(b) Eadmer, and other authorities. Hody, 189.

(c) Eadmer, apud Hody, 191-193.

(d) Eadmer and others. Hody, 193. Selden T. of H. 731. R. of Hoveden, p. 472. F. Ed.

(e) Hody, p. 193. Selden T. of H. 731.

(f) Eadmer, Huntingdon and Paris. Hody, 194.

(g) Eadmer. Hody, 194.

(h) Huntingdon. Brompton. Hody, 195.

1111. Three great "Curiae" are held. (i)
A. R. 1
1113. Dec. 25. (Christmas.) A "Curia" is held at Windsor. (k)
A. R. 14
1114. A "Curia" is held with the Bishops and Principes. (l)
A. R. 14 "May 1." A "Curia," or Council, is held at Windsor, attended by the Bishops and "Principes Angliæ." (m)
1115. Sept. 15. (XVII. Cal. Oct.) A Council assembles at Burn, (East Bourn, Sussex) at which are present the King, Archb. Bishops, and all the Nobility of England. (n)
A. R. 16
- ? "Sept. 16." A Curia is held in the Palace, Westminster; "Omnes Episcopi et Principes totius regni" attend. (o)
1116. March 20. (XIII. Cal. April.) A "Curia," or Convention of Bishops, Abbots, Principes totius regni, (Optimates et Barones, Comites, Barones et Clerus) assemble, by summons, at Salisbury.
A. R. 16
- All present do homage to the King's son William. The dispute between the Archbishops is debated. (p)
- 17 Dec. 28. (F. of St. Innocents, "ad Natalicios dies.") A great Assembly of the King, Queen, Archb. Bishops, Earls, Barons, and a multitude of other Nobles, attend the Dedication of the Abbey of St. Albans. (q)
- A Council is held at London, in the King's absence, by the Queen, Bishops, Abbots and Nobles. (r)
1121. Jan. 6. (Epiphany.) A "Curia" held at London, is attended by the Archb. of Cant. and the "Principes Regni."
A. R. 21

(i) Saxon Chronicle.

(k) Hody creates, or perpetuates, some confusion of dates in the accounts of this period. The Saxon Chronicle observes, that, an. 1114, the King held his Curia in Christmas at Windsor, and all that year afterwards held no Curia at all. But Hody quotes this authority, p. 195, and then proceeds to give various meetings in this very same year, 1114. It has been conjectured that, as the meetings which he records for this year, on the authority of Eadmer, probably did take place, the Saxon Chronicle may have admitted an error of date. Though this error is not corrected, by the adoption of the preceding year, 1113, for the Christmas meeting, the statements of Eadmer thus become consistent.

(l) Eadmer. Hody, 195.

(m) Malmesbury. Eadmer. Hody, 1. c.

(n) Having spoken of the Curia held Sept. 16, 1114, Hody says, "the same year" a Council was held at Burne, on Sept. 15. But as the King's attempt to sail was at this later period, (17 bef. Cal. Oct. S. Chron.) and he actually went on board on the 25th Sept., (7 Cal. Oct.) the former Curia cannot well have taken place at Westminster in this year. He returned from Normandy in the July following, 1115, when he may have called the meeting for Sept. 16.

(o) Eadmer. Hody, 196.

(p) In the Cottonian MSS., this assembly is placed in a. r. 14. But as the King passed into Normandy soon after Easter in this year, and this transaction was just previously to that occurrence, the meeting is placed as in the text. See Hody, p. 197, for Eadmer and various authorities.

(q) MS. Chron. Lambeth, in Hody, 200, 1.

(r) Eadmer. Hody, 201.

The King's intended second marriage is sanctioned. (s)

A Council of the Bishops and "Proceres," "Regni Sublimiores," assembles at London, in the King's absence. (t)

Feb. 2. (*Candlemas Day*.) The King's marriage is celebrated, "totius Angliæ adunato Consilio." (u)

Feb. 2. (*F. of Purif.*) A "Curia" or "Conventus" at Gloucester, is attended by Bishops, Abbots, "Proceres" (Earls and Thanes), and some Monks of Canterbury, "ex præcepto Regis." 1123. A. R. 23.

Corbet, a Secular, is elected Archbishop of Canterbury. (w)

Dec. (*Between St. And. Nov. 30, and Christmas*.) A Council of "Proceres" is held at Hundehoge (Leicestershire). (x) 1124. A. R. 25

Dec. 25. (*Christmas*.) A "Curia" is held at Windsor. All the "Nobilitas" of the kingdom, and David K. of Scotland, are present. 1126. A. R. 27

Jan 1. The "Curia" is removed to London. 1127. A. R. 27

The Archb., and Legate, all the Bishops, Abbots, and "Principes," do fealty to the King's Daughter, the Empress Matilda. (y)

May 9, 10, 11. (*Ad Rogationes*.) A Council is held at London. At the same time, the Archb. of Cant. holds a Synod, or Council, at Westminster. (z)

May 4. (*IV. Non. Maii*.) (*Rogation week*.) A great Convention is held at Canterbury. 1130. A. R. 30

David, K. of Scotland, and all the Bishops of England, attend the Dedication of the Cathedral. (a)

Sept 8. (*Nativ. of Virgin Mary*.) A great "Curia," "Placitum," or Council, is held at Northampton, at which are present all the "Principes Angliæ." 1131. A. R. 32

A grant to the Church of Canterbury, is subscribed by eleven Bishops, the Chancellor, sixteen Lords, and many others. (b)

Dec. 25. (*Christmas*.) The King holds his "Curia" at Dunstable. (c)

(s) Radmer and Cont. Florence, l. c.

(t) *Ibidem*, 201.

(u) Hoveden and others, ap. Hody, 201.

(w) Simeon Dunelm. Saxon Chron., &c. apud Hody, 202.

(x) This was probably only a Court of Justice. Hody, 203.

(y) Hody, 203, who cites the Cont. of Florence, and 4 other historians.

(z) Huntingdon and Hoveden. Hody, 2d pt. Hist. Conv. p. 37, says "this is the first Ecclesiastical Council that appears to me to have been held at the same time with a Convention of the Nobility, and yet in a separate place."

(a) Gervase. Hody, 205.

(b) Huntingdon. War. Ann. W. of Malmesbury. Hody, 206.

(c) Huntingdon. Hody, 206.

1132. *April 10. (Easter.)* A "Curia" assembles at Woodstock, and afterwards at London. (*d*)
 A. D. 32
 1133. *Feb. 8. (Beginning of Lent.)* A "Curia," or Convention, assembles at London. (*e*)
March 26. (Easter.) A "Curia" is held in the New Hall, Oxford. (*f*)
May 1. (Rogation Week, Sunday being April 30.) A "Curia" or Convention meets at Winchester. (*g*)
May 14. (Whitsunday.) A "Curia" is held.
 A Charter to the B. of Exeter is signed by the Queen, two Archb^{is}, thirteen Bishops, the Chancellor, six Abbots, six Earls, sixteen Barons, &c. (*h*)

STEPHEN.

(26 Dec. 1135.)

1135. *After his Coronation at Christmas,* a general Council meets at Oxford, by summons to the Bishops and "Proceres."
 A. D. 1

The King grants an extensive Charter, wherein, inter alia, the rights and immunities of the Church are secured to the whole body of the Clergy. It is witnessed by the Bishops, the

(*d*) Huntingdon. Hody, 206.(*e*) Huntingdon. Hody, 207.(*f*) Huntingdon. Hody, 207.(*g*) Hody, 207.(*h*) Hody, 207, who says a MS. Chronicle of good note places this in 1131.

At one of these meetings, the King requires the members to renew their oath of fealty to his daughter Matilda, and to bind themselves to recognize the right of her infant son, lately born, to the crown after his decease. Rad. de Diceto (Twysden), col. 505. M. Paris, Walsingham, Ypodigma Neustrie.

The confirmation of the transfer of the episcopal seat from Wells to Bath, as it is given in the Federa, is addressed "Omnibus Archiepiscopis, Episcopis, Comitibus, Vice Comitibus, Baronibus, et Fidelibus, Francis et Anglis."

In his 33d year, the King is styled Dominus Hyberniz, a title from that date discontinued, that of Dux Normanniz being retained.

The assemblies which have been given in the text are those authorized by the historians of the time. The periods at which the King held his Curia, or Court, are more especially detailed in the Saxon Chronicle; and as, at those periods, there was generally held a great Council amounting almost in power to a Parliament, it may be well to record them here. Anno 1101, the King kept his Curia, at Christmas, at Westminster; at Easter, at Winchester. A. 1102, at Christmas, at Westminster; Easter, Winchester; Michaelmas, Westminster. 1103, Midwinter, at Westminster; Easter, Winchester. 1104, Christmas, at Westminster; Easter, Winchester; Pentecost, Westminster. 1105, Christmas, at Windsor; at Lent went to Normandy, and in Autumn returned. 1106, Christmas, at Westminster; Lent, at Northampton; Easter, at Bath; Pentecost, at Salisbury; before August, went to Normandy. 1107, Christmas, in Normandy; Lent and Easter, at Windsor; Pentecost, Westminster; and, beginning of August, at Westminster. 1108, Nativity, Westminster; Easter, Winchester; Pentecost, Westminster; before August he went to Normandy. 1109, Christmas and Easter, in Normandy; Pentecost, Westminster. 1110, Christmas, Westminster; Easter, Marlborough; Pentecost, New Windsor, first time. In the years 1111, 12, 13, the King was in Normandy. 1114, Christmas, at Windsor; and held no other Court that year. 1115, he returned in July. 1116, Christmas, St. Alban's; Easter, Odiham. Then he went into Normandy the years 1117, 18, 19. In 1120, before Advent, he returned to England. In 1121, at Christmas, he held his Court at Bramton; before Candlemas, at Windsor; Easter, at Berkley; at Pentecost, a full Court at Westminster. In 1122, Christmas, Norwich; Easter, Northampton. In 1123, Christmas, Dunstable; thence removed his whole Court to Woodstock; Candlemas, Gloucester.

Chancellor (Roger B. of Salisbury) the King's nephew, Henry, four Earls, Robert de Vere, and fifteen Barons. (i)

Easter. A great "Curia" is held at Westminster. 1136.

The members again swear fealty to the King. (k) A. R. 1

July, (before August) A Council meets.

The King again confirms his former Charter. (l)

April 10. (IV. Ides April, called Easter.) A Council is held at Northampton, at which are present the Archb. of York, the Bishops, Abbots, Earls, Barons, and all the Nobles of England. (m) 1139. A. R. 3

June 24. A Council or Parliament, of "Magnates" or "Primores," assembles at Oxford, to which are summoned the B. of Salisbury, and other partisans of Matilda. (n) 1139. A. R. 4

April 7. A Synod is convened by the Bishop, at Winchester, to which are summoned Deputies from London. 1142. A. R. 7

The Clergy, "to whom, according to the Legate, the election of a Sovereign principally belongs," acknowledge Matilda as such. The Deputies oppose the measure, and urge the release and restoration of Stephen. (o)

Dec 7. A Synod meets at Westminster in presence of the King. (p) 1142. A. R. 7

? Feb. 8. (Lent.) An Ecclesiastical Council assembles at London. (q) 1144. A. R. 9

March 1. (Lent.) A Council is held. 1150.

The Earls and Barons do fealty to Eustace, the King's son. (r) A. R. 15

A general Council is held at London, consisting of the Prelates and Proceres. 1152. A. R. 17

The Archb. of Cant. (Theobald) refuses to anoint and crown the King's son. The Bishops side with him. (s)

Nov. 7. (VII. Ides Nov.) A general Council, or Convention, at Westminster, is attended by the Bishops, Earls, and other "Optimates." 1153. A. R. 18

(i) Huntingdon, Brompton, Knyghton, Malmesbury, Wikes, Richd., Prior of Hagulstad. Hody, 210.

(k) Huntingdon, R. de Diceto. Hody, 211.

(l) Simeon Dunelm, whom Hody supposes in error, 212.

(m) Continr. of Florence; but Easter day, 1138, was April 3. The Easter, April 11, of the preceding year, 1137, approaches nearer to "4 of the Ides of April."

(n) The Saxon Chronicle, in Stephen's reign, takes notice of only one Council, which was held at Oxford, anno 1137. This was evidently not that after the Coronation, and seems to coincide with none other besides the present one, which, according to Malmesbury, was held in 1139. See Hody, 213. Hen. Huntingdon, lib. 8. Chron. Gervase, (Ed. Twysden) Col. 1343.

(o) Malmesbury, H. N. 1, 2.

(p) Malm. 1. c. 3. Ann. Wav. p. 154.

(q) Prior of Hagulstad. Hody, 28, and H. Conv. P. 3.

(r) M. Paris. Hody, 213.

(s) M. Paris. Gervase. Hody, 213. Parl. H. I. 13.

The King adopts Duke Henry as his heir. (t)

1154. *January. (Epiphany week.)* A Council is held at
A. R. Oxford.
19

The Earls and Barons of England, swear fealty to the Duke, saving to the King his royal dignity during life. (u)

1154. *Sept. 29. (Michs. Day.)* A Council is held at London.
A. R. The Bishops, Abbots, and Priors of the Province of York,
19 and the "Optimates Terræ," are present. (w)

HENRY II.

(19 Dec. 1154.)

1154. At his Coronation, a Convention is held of the Arch-
A. R. bishops, Bishops, Earls, Barons (Anglici et Transmarini)
1 in the presence of "an immense multitude of people." (x)

1155. *March 27. (Easter.)* A general Council, or Conven-
A. R. tus, meets at Walingford, and is composed of the "Præ-
1 sules et Principes totius Angliæ."

The King's two sons, William and Henry, are declared his heirs. (y)

1156. A Council is held.

A. R. The King commands the Laws of his Grandfather to be in-
2 violably kept throughout the kingdom. (z)

1157. *July 17. (XVI. Cal. Aug.)* A Convention at North-
A. R. ampton, is attended by the "Præsules et Principes Regni,"
3 eight Bishops, twelve Abbots, and many other foreign and English Nobility, and "inferioris ordinis Personæ." (a)

(t) R. de Diceto. Brompton. Gervase. In the *Fœdera*, is the agreement at Westminster between Stephen and Henry, dated, a. r. 18, 1153. The Historians differ as to the place where this took place. Gervase says at Winchester, M. Paris and M. Westminster say at Walingford. Hody, 214.

(u) Gervase.

(v) Gervase. Brompton. Hemingford. Hody, 214.

On the reign of Stephen, the Report on the Dignity of the Peerage states, "according to the testimony of history, from some time in the 4th year of his reign, the accustomed assemblies even of the Curia Regis ceased" (p. 41). During this and the preceding Reigns, there did exist some legal constitution of a government, of which a Legislative Council (for some purposes at least) formed a part; and particularly, that all Impositions and Exactions by the mere authority of the Crown, not warranted by the existing Law, were reprobated as infringements of the just rights of the subjects, though the existing Law left a large portion of the King's subjects liable to Tallage imposed at the will of the Crown; and the Tenants of the Mesne Lords were in many cases exposed to similar exactions."

With the reign of Stephen, the Saxon Chronicle ends.

(z) Gervase, and Hody (216) from him, says this took place, Dec. 17. See the authorities to the contrary in Sir Harris Nicolas, Chron. of Hist. 282.

(y) Gul. Neubrigg. Lib. 3, alludes to a previous Assembly of the States, by advice of which the King revoked the grants of Crown Lands made by his predecessor. Gervase. Hody, 217. Parl. H. I. 14.

(3) Hoveden. Hody, l. c.

(4) Gervase. Hody, l. c.

April 20. (Easter.) A Convention is held at Worcester. 1158.
A. R. 4

The King and Queen are a second time crowned, and offer their Crowns on the Altar. (b)

Dec. 25. (Christmas.) A "Curia" is held at Worcester. (c) 1162.
A. R. 5

A Council is held.

Thomas Becket, the Chancellor, the Bishops and Abbots of all England, do fealty to Henry the King's son. (d) 1163.
A. R. 8

March 8. (VIII. Ides March, called Lent.) A great Council is held in the Chapel of St. Katharine, Westminster. The two Archbishops, nine Bishops, five Abbots, two Archdeacons, three Earls, three Barons, and other Optimates, and the Earl of Leicester, Justiciary of England, are present. (e) 1163.
A. R. 9

A Council at Westminster, is composed of the Archbishops, and Bishops of England. (f) 1164.

Jan. 13. (Hilary Day) A great Council at Clarendon, is composed of the Archbishops, Bishops, Abbots, Priors, Clergy, Earls, Barons and Proceres. 1165.
A. R. 10

John of Oxford, the King's Chaplain, presides by the King's command.

On the 25th (8 Kal. Feb.) the Constitutions of Clarendon, relating to the subjection of the Clergy to the Secular power, are adopted.

In one of these Constitutions, it is declared, that all Archbishops and Bishops, "*et universæ personæ regni qui de rege tenent in capite*" hold their lands of the King by Barony, and are consequently obliged to serve the K. as other Barons, and to attend his Courts (or Parliaments) in all cases, excepting only where judgment as to life is to be given. (g)

(b) Hoveden. R. de Diceto. M. Paris. Hody, p. 139, states this occurrence upon these authorities; but, at p. 213, places it at Christmas, and at Worcester.

(c) In the text, this last Curia is retained upon the grounds of probable occurrence.

(d) R. de Diceto. Hody, 218.

(e) R. de Diceto. M. Paris. Brompton. Hody, 218. This meeting is said to have been held in Lent, on the day named. But Ash Wednesday was on the 6th Feb. in 1163, and Mid Lent Sunday, March 3. There is some doubt as to the year, whether 1162 or 3. The general term, Lent, will not admit any precise determination of the question, as, in 1162, Midlent Sunday was on the 18th, and, in 1164, on the 22d March, all including the day named.

(f) Gervase. Hoveden says 1164.

(g) M. Paris. Gervase. Hoveden. M. Westminster. R. de Diceto. Hist. Quadrupartita. Hody, 220, &c. Parl. Hist. I. 14.

"This, say the Eds. of this last work, comes the nearest to a Parliament of any thing we have yet met with."

The Eleventh Article of these Constitutions provides as follows: "*Omnes Archiepiscopi Episcopi et universæ personæ Regni qui de rege tenent in capite, habent possessiones suas de Dno. Rege sicut Baronum, et inde respondent Justiciis et Ministris Regis, et secuntur et faciunt omnes rectitudines et consuetudines regias, et sicut Barones ceteri debent interesse judiciis curie Di. Regis, cum Baronibus, usq.; perveniatur in iudicio ad diminutionem membrorum vel mortem.*" There are strong grounds for presuming "that owing suit to the King's great Court rendered the Tenant one of the King's Barons, or Barons of the Kingdom; and that all such were properly members of that Court, though probably none attended who were not specially summoned."

"The general words, Proceres Regni, &c., might be intended to include only the Justiciar, Chancellor, and Justices, and others who appear always to have been considered

ENTRY

1

THESE ARE THE TERMS OF THE
AGREEMENT MADE BETWEEN THE
GOVERNMENT OF THE UNITED STATES
AND THE NATIONAL ASSOCIATION
OF REALTORS, INC. ON THE
15TH DAY OF JANUARY, 1941.

ENTRY

1

THESE ARE THE TERMS OF THE
AGREEMENT MADE BETWEEN THE
GOVERNMENT OF THE UNITED STATES
AND THE NATIONAL ASSOCIATION
OF REALTORS, INC. ON THE
15TH DAY OF JANUARY, 1941.



1166. *Oct. 13, Thursday.* A great Council is held at Northampton, by summons to all who hold of the King in chief, namely, all the Prelates and Nobles (*Proceres*) Bishops, Earls and Barons.

By the King's permission, the Prelates consult apart on the accusation of Archb. Becket. The King and "Principes" by themselves. The Archb. is condemned to banishment on the last day, Tuesday 18. (*h*)

1168. *A great Council in London, is attended by the "Præsules et Prælati et Proceres."*

By their advice, a Letter is addressed to the Pope and Cardinals, against their support of the Archbishop. (*i*)

1169. *April 20. (Easter.)* A "Curia," or Council, is held at Windsor. All the Bishops and Magnates, and William K. of Scotland and his brother David, attend.

Certain Abbots and Clergy, Earls and Knights, are sent into all parts of the country with articles of Inquiry into the misdemeanors of Sheriffs and other Officers. (*k*)

June 11. (Barnabas Day.) A great Council, composed of the Archbishop of York, of all the Bishops, all the Earls, Barons, and "Nobiliores regni," the King's Free Tenants, the Sheriffs, Overseers of the King's Demesnes, the Aldermen (Reeves), with their Sureties (*Fidejussores*), meets, by summons, at London.

The subject of the late Inquiry is discussed.

members of the King's great Court and Council." Report, D. P. pp. 44-5. "The Constitutions do not, however, expressly mention any obligation on these Ecclesiastics to attend in any Legislative Assembly, unless the Curia Regis then assumed Legislative, in addition to their judicial powers," (p. 46). "Of every Legislative Assembly afterwards convened, the Archbps. and Bps., and certain Abbots and Priors, formed a part; tho' the Clergy when they submitted to taxation as Clergy, and not in respect of their Lay Fees, generally taxed themselves separately; in later reigns, in a species of Convocation, to which others of the Clergy besides the Prelates, were called as Representatives of the whole body." The Curia Regis used as the word "Parliamentum" in time of Edw. I. would denote the King's ordinary Court of Justice, together with which might be convened an extraordinary Legial. Assembly, summoned for particular purposes, by the King's Mandate, of which the Curia Regis, as composed in the ordinary discharge of its functions, might form a part " &c. (p. 46).

(*h*) There is much difficulty with regard to this and the former meetings. Hoveden places the Council at Westminster in 1164. The meeting at Clarendon, then, would be in the year 1165. But the present meeting could not be in the years 1164 or 1165, as Thursday being the 13th October, Sunday would be on the 16th, which can only occur in 1166. This therefore must be the right year, whatever may become of the preceding dates. It is rendered more certain that the date now assigned is correct, as the Archbishop's escape is dated 1166, and he would not have remained at home nearly two years, under his sentence, as he must have done had the year usually assigned for his sentence, 1164, been the true one.

Hume, I. 280. (Ed. Lond. 1762), quoting Fitz Stephen, p. 46, says "This Historian is supposed to mean the more considerable vassals of the Chief Barons. These had no title to sit in the Great Council, and the giving them a place there was a palpable irregularity; which, however, is not insisted on in any of Becket's remonstrances." Is not this rather a proof that there was no irregularity? The same question may be asked on his observation, that "several Norman Barons" were irregularly present.

The date here is on the authority of Selden, (733), who says, the great Council held at Northampton was in 1165, and the 11th year of the King's reign. All Tenants in Chief were summoned.

(*i*) M. Paris. Hody, 221.

(*k*) Brompton. Benedict Abb. Peterb. (Ed. Hearne T. I.) Gervase. Hody, 231.

June 15, Sunday. (XVII. Cal. Julii.) The King's son, Henry, is crowned by the Archb. of York.

June 16. The King of Scotland and his brother, the Earls, Barons, and "Nobiliiores" do homage and fealty to the King and his son. (l)

Aug. 10. A general Council is held by the King at Lismore, in Ireland. 1172.
A. R.
18

The Laws of England are adopted, and their observance is confirmed by the oaths of all present. (m)

June 29. (St. Peter and St. Paul.) A great Council is held at Gloucester. The two Kings, the Princes of Wales, the Earl of Gloucester, and other "Magnates" are present. (n) 1175.
A. R.
21

Aug. 10. (St. Lawrence Day.) A Council is held at York.

William K. of Scotland, and all his Bishops, Earls, Barons, Knights and free Tenants, do homage and swear fealty to the King and his Heirs. (o)

Oct. 6. (Octaves of St. Michael.) A Council meets at Windsor. The King and his son, Richard, the Archbishop of Canterbury and the Bishops, Lawrence Archbishop of Dublin, the Earls and Barons of England, are present. 1175.
A. R.
21.

The K. first appoints an Irish Bishop. (p)

Jan. 26. (VII. Cal. Feb., day after St. Paul.) A great Council is held at Northampton, at which are present the King's son, the Bishops, Earls and Barons, and the King's "Knights and Men." Also the King of Scotland, with certain of his Bishops, Abbots, and Priors. 1176.
A. R.
22

Itinerant Justices are appointed for every part of the Kingdom. The Constitutions, or "Assizes," of Clarendon, are confirmed. (q)

A Council, or Parliament, is held at Winchester, before the Archb. of York, the Bishops and Magnates regni. (r)

(l) There is much difficulty as to the date of this meeting. Hoveden says die Dominica, quæ evenit 17 Kai Julii. Now Sunday, June 15, could only occur in the year 1169, and the preceding Easter meeting, of which this was a consequence, must have occurred in the same year, and not in 1170 as it is given in Hody's Brompton. There is also some doubt as to the place where this coronation took place. The Parl. H. I., quoting Knighton, places it at York, in 1171 a. r. 17—but this seems an evident confusion of dates.

(m) Paris. Hody, 233.

(n) Brompton. Hody, l. c.

(o) Brompton. Hoveden. R. de Diceto. Hody, 234.

(p) Hoveden. Brompton. Bened. Ab. Hody, 234.

(q) R. de Diceto. Bened. Ab. Hoveden. M. Westminster. Brompton. Hody, 234. Speaking of the year 1176, Hume, I, 318, note, says "It was usual for the Kings of England after the conquest of Ireland, to summon Barons and members of that country to the English Parliament." But he offers no proof on the subject.

(r) Brompton. Hody, 239.

May 25. (VIII. Cal. Junii.) A Council meets at London, and is composed of the Cardinal, Archbishops, Bishops, principal Clergy (Cleri Proceres), Earls, Barons and "Sapientiores regni."

They consider the proposal of marriage of the K. of Sicily with Johanna, the King's daughter. (s)

Sept 29. (Michaelmas.) A Council is held at Windsor.

An order is made for the surrender into the King's hands of all the Castles of the great men. (t)

1177. *Jan. 14. (After St. Hilary.)* A general Council is
A. R. held at Northampton, at which are present the Bishops
23 and "Magnates terræ." (u)

March 13. (1st Sunday in Lent, or Post caput Jejuni.)
A Council assembles at Westminster. There are present the Archbishops, fifteen Bishops, many Abbots, Priors, Deans and Archdeacons, and the Earls and Barons of England.

An arbitration is made between the Kings of Castile and Navarre. (w)

April 24 and June 12. (Between Easter and Whitsuntide.) A Council held at Ely, is attended by the Archb. of Cant., the Bishops of Bath and Norwich, many Earls and Barons.

The same is transferred to Windsor. The Earls, the Barons and Knights of the King's "privata familia," attend with their Service. To them is delivered the custody of the castles. (x)

A Council is held at Oxford, by the King, Bishops, and "Principes regni."

The Princes and Nobility of Wales attend and swear Fealty to the King. His youngest son, John, is created King of Ireland, which country is divided into Knights Fees. (y)

1179. *April. (A little after Easter, April 1.)* A Council held
A. R. at Windsor, is attended by the King's son, the Arch-
25 bishops, Bishops, Earls, and Barons. (z)

Twenty one Justices are appointed, "ad audiendum clamores populi, et ad faciendam justitiam," throughout the country.

1180. *Dec. 25. (Christmas.)* A Curia or Council meets at
A. R. Nottingham. W. K. of Scotland and many of his
27 "Magnates," are present. (a)

(s) R. de Diceto. Hoveden. Brompton. Hody 239.

(t) Brompton. Hody l. c.

(u) Hoveden. Brompton. Hody l. c.

(w) Hoveden. Brompton. R. de Diceto. Paria, who places this meeting in 1175, reckoning the year from March 25. Bened. Ab. Hody 241

(x) Brompton. Hody 243.

(y) Hoveden. Brompton.

(z) Hoveden. Hody, 243.

(a) Brompton. Hody, 244.

A Council held at Bishops Waltham, is composed of the "Majores" regni. 1182.

By their advice, the King contributes largely from his Treasures to the relief of the Holy City. (b)

A great Council is held at Winchester, at which are present the King, and almost all the Bishops and Abbots. 1185. A. R. 31

They assemble to receive the Patriarch and Master of Jerusalem. (c)

March 23. (X. Cal. April.) A Council at Clerkenwell is attended by all the Clergy, Nobility and "Fideles" of the kingdom.

The defence of the Holy Land against Saladin is considered. (d)

A great "Curia," or Council, is held at Clarendon by the two Kings, Ranulf de Glanvil, Chief Justiciary, the Dean of York, Archdeacon of Hereford, three or four other Archdeacons, (the King's Justices,) one "Magister," and another, and other Barons and "Fideles." (e) 1187. A. R. 33

Feb. 11. (III. Ides Feb.) A great Council, or Assembly, is held at Gaittington, (near Northampton). The Archbishops, Bishops, Abbots, Earls, Barons and many others "Clergy and Laics," "Præsules et Principes," are present. 1188. A. R. 34

They deliberate on taking the Cross. (f)

RICHARD I.

(3 Sept. 1189.)

Sept. 3. At his Coronation are present the Archbishops, all the Bishops, Abbots, Priors of Conventual 1189. A. R. 1

(b) R. de Diceto. Hody, l. c.

(c) Ann. Winton. Hody, 245.

(d) Paris.

(e) See authority, Hody, 247. The Report on the Peerage (notes 11-14 p. 454) says, The words "Barones Regni," in our imperfect copy of the Constitutions, may have included every Lord of a Fee; but the Constitutions involved the interests of every person in the kingdom.

(f) Hoveden. Brompton. Gervase. Wikes. Wav. Ann. Benedict. T. II. Hody 245, who, p. 248, refers to another "Curia," consisting of Barons, cited in a Charter to the Church at Westminster.

The *Foderia*, Vol. I. contain a Bull of uncertain date, from Pope Alex. III. to this King. It is entitled, "Pape Bulla qua statuit ne Rex detrimentum accipiat ex ordinatione, nuper stabilita, de mittendis omnibus Archiep. et Epis. ad celebrationem Concilii." It is as follows—Ex tenore litterarum tuarum acceptimus, quod habito Arch. et Epis. et Com. quoq. et Baron. regni tuo Concilio, propositi omnes Arch. et Epis. ad celebrationem concilii satis plenarie destinare, quod utique nos gratum acceptumq. tenentes, tum tibi quam concilio tuo uberes gratiarum exsolvimus actiones. Statuimus ut propter hoc tibi aut posteris tuis, nullum detrimentum vel incommodum debeat provenire; neque occasione ista nova consuetudo in regnum tuum possit induci, vel ipsius regni dignitas aliquatenus minorari." Dat. Paris XV. kal. April.

It is not easy to refer this to its proper date, unless the Const. of Clarendon are intended, and unless their enactments comprise the "Nova Consuetudo."

There is also a Bull of the same Pope (xj. Kal. Oct.) to Christianize the Irish, whose vices and enormities are described.

Churches, Earls, Barons (*regni Magnates*), Knights and others, "*tam Clericorum, quam Laicorum*," who, "according to what became their nobility, are splendidly entertained." (*g*)

Sept 15. (XVII. Cal. Oct.) A Council held at Pipewell (Northamptonshire), is attended by the Archb., Bishops, Abbots, Priors, the Archb. of Dublin, the Irish Bishops, and "*Magnates regni*." (*h*)

October. A Council is held at Westminster or London, by summons to all the Bishops, Earls and Barons. (*i*)

Nov. 29. (III. Cal. Dec.) A Council meets at Canterbury. The Archbishops, Bishops, Abbots, Earls and Barons; and David, K. of Scotland, are present (*h*)

1190. A Convention of Bishops and Proceres is held at Northampton, in the King's absence. (*l*)

1192. *Oct 4. (Sunday after Mich.)* A Convention of Archbishops, Bishops, Earls and Barons, meets at Loddone Bridge, near Reading, in the open field.

They take measures against the Vice-Roy, or Procurator, Longchamp, B. of Ely, (Chancellor and Legate.) (*m*)

The meeting removes to the Chapter House of St. Pauls, London, where all the Assembly swears fealty to the King. (*n*)

Another Convention, or "*Colloquium*," is held in the Tower of London, at which are present the Earl of

(*g*) For many difficulties connected with the commencement of Richard's reign, see the able disquisition of Sir Harris Nicolas, *Chron. of History*, p. 284, &c. The Charters granted by this King are, for the first time, dated with the regnal year. The *Foredera* (n. e. p. 51) contain one dated at Westm. Oct. 6, "in the first year of my reign." The grant of the Chase through all Somerset, to Rainer B. of Bath, is addressed to the Archb., Bishops, Abbots, Earls, "et omnibus Fidelibus nostris," 25 d. Nov., a. r. i.

There are many other documents of this year. The Laws made for the government of the Fleet, "*de proborum virorum consilio*," were probably sanctioned by the King's ordinary Select Council. (*Rep.* 49.) No mention occurs of a Great Council, or any Legislative Assembly. The last noticed Ordinance was tested by the King, "*apud Chintonam*." The convention between Richard and Philip was, "*Anno Incarnationis verbi*," 1190, March. The exchange between Richard and Walter Arch. Rotomag. (*Foed.* p. 68) is more specific, *Anno Incarnationis*, 1197, 17 Oct., *an. r. nostri ix.*, and accords with the Regnal Table. It is probable (says the Report, p. 49) that many documents of Richard are lost.

(*h*) Paris. Hoveden, who gives a list of the Bishops present. R. de Diceto. Brompton. Gervase. Hody 252.

(*i*) Paris. Hoveden. Brompton, who for the first time uses the word "*Parliament*." He places the meeting at London; Hoveden, at Westminster.

(*l*) R. de Diceto. Gervase.

(*l*) Gervase. Hody, 254.

(*m*) The year of this meeting is uncertain. The King left England, says Stowa, March 6, 1190, and at Midsummer, 1190, meets Philip at Vezelai. At Messina, he arrived in September, and remained all that winter, and April, 1191, sailed for Cyprus. It appears from Hoveden, Bened. Abb., Diceto and Brompton, that during his stay in Europe, the King hearing of the conduct of Longchamp, had sent orders, appointing a Council to attend him, without whose advice he was to take no important measures. The present convention may have had reference to such proceeding. The various acts of the Bishop seem to require a longer time than would be allowed by placing it in the preceding year, and Gervase gives 1192. Hody 255.

(*n*) R. de Diceto. Hody, l. c.

Moreton, the Chancellor, the Archbishops of York and Rouen, the Bishops, Earls and Barons.

They depose the Vice-Roy. (o)

Several Meetings of the Ecclesiastics and Seculars are held on the subject of the King's ransom. (p) 1193.

Feb. 10 A Convention held at London or Westminster, is attended by the Archb. of Canterbury, the Bishops, Earls and Barons. 1194.
A. R. 5

They make a decree against the E. of Moreton. (q)

March 30. (Wednesday.) A Council or "Colloquium" is held at Nottingham. The King, the Q. Mother, Eleanor, the Archb. and others, "Clerici et Laici," are present.

Sat., April 2, is the last day of the Council. (r)

April 9. A Council assembles at Northampton, attended by the King, the Queen Mother, the Archb. of Canterbury, Bishops, Earls and Barons, and by the K. of Scotland, the B. of Glasgow and other Scots. (s)

April 17. The King is crowned, a second time, at Winchester.

A Charter is granted to the King of Scotland and his Heirs forever, that whensoever, upon the King's Summons, they should come to his "Curia," they should have safe conduct from County to County, and a certain sum for expences; namely, 100s. per diem from the King's entrance upon the borders, till his arrival at the place of meeting; 30s. per diem, during his attendance in Parliament (exclusive of an allowance of cakes, wine, candles, &c.); and 100s. per diem, on his return, till he reached the borders of the Tweed. (t)

Dec. 7. A Convention (in the King's absence) is held by Hubert, Archb. of Canterbury, at Oxford. It is composed of Bishops, Abbots, Earls and Barons. (u) 1197.
A. R. 9

May 31. (Octaves Clause of Pentecost.) A Council is held at London, to which are summoned "Omnes servientes Regis, audituri et facturi præceptum Regis." (w) 1198.
A. R. 9

(o) R. de Diceto. Hemingford. Hody, l. c.

(p) R. de Diceto. Brompton, Ann. Wav., Hoveden, Hemingford, Gervase. Hody, 256.

(q) Hoveden. H. 237.

(r) The King returned on St. Gregory's Day, March 12. MS. Chron. Lambeth. Another, however, says, Sunday after F. St. George, April 23, which must be an error. Seiden places his return in May. Hody 257-8.

(s) Hoveden. H. 239.

(t) Hoveden. Gul. Neubrig. M. Paris. H. 260. The term "Curia" employed by Hoveden, seems to fix its meaning, as the K. of Scotland would scarcely take so long a journey to attend a *Select Council*, or *ordinary Court of Justice*.

(u) Gervase. H. l. c.

(w) Hoveden. H. l. c.

Hoveden and M. Paris take notice of certain laws concerning weights and measures, &c., made at Westminster, on St. Edmund's day, an. 1197, with the consent of the Archb., Bishops, Abbots, Earls, Barons, and Knights of the whole kingdom, at the instance of the Archb. of Cant. "Anglia Justiciarii." But, says the Report, l. 49, no Legislative Assembly is noticed.

JOHN.

(27 May, 1199.)

1199. *May 27.* At his Coronation, at Westminster, were
A. R. 1 present the Prelates, Earls, Barons, and a multitude of
other Nobles. (x)

A "Curia" at Westminster, is attended by the Archb^s,
"et Magnates." (y)

1200. *Nov. 22.* A Curia is held at Lincoln, to which are
A. R. 2 summoned all the Nobility, Clerical as well as Lay, of
England and Scotland.

The K. of Scotland does homage. (z)

A Council is held, at which was decided the contro-
versy respecting a Barony, "Consilio Regni et voluntate
Regis." (a)

1204. *Jan. 2. (Morrow of Circumcision.)* A "Colloquium"
A. R. 5 is held at Oxford. The Archb. of Canterbury, Bishops,
Abbots, and "Magnates regni," are present.

The Laity grant an aid, and the Clergy promise to consider
of it. (b)

April 25. (Easter.) A "Common Council of Barons"
is held at Winchester.

An Assize of Bread is made. (c)

1205. *May 15. (Sunday before Ascension Day.)* A general
A. R. 6 Assembly is summoned to London, consisting of the
"Magnates Terræ," Archb^s, Bishops, Earls, Barons,
"omnesq. Fideles Angliæ." (d)

(x) Hoveden. Brompton. Paris. Hody, 261-2.

(y) Paris. H. 263.

(z) Hoveden. Brompton. Paris. Knyghton. Ann. de Margam. H. 264.

(a) Hoveden. Selden T. of H. 735. H. l. c.

(b) Paris. H. 266. The term "Magnates," here employed, explains itself as com-
prising the principal Laymen of the Kingdom. Rep. l. 55. There is some confusion
of dates here. M. Paris says, An. Gr. 1204, the King kept the Nativity at Canterbury,
and on the morrow of Circumcision following, held a Colloquium at Oxford. This
would be in 1205, according to our calculation. But this would also be the 6th year.
Whereas, according to the Fœdera (n. e. l.), the meeting which followed at Winchester
is placed A. D. 5, 1203. In the Text, it is assumed that the regnal year and date of the
meeting are correct.

(c) Patent Roll, 5 John. m. l. n. 3—Prynne, Pref. Parl. Writs I. Selden T. of
H. 735. The Fœdera (n. e.) sub. anno. 5, a. 1203, contain an Instrument tested
by the King, April 15, in which adverting to this assize of Bread, it is stated, that it
was made at Winchester, "after the death of my mother," anno quinto. This would
be in 1204, not 1203. But as Easter was April 25, it is not easy to reconcile the date
with the Text. Stowe places the death of Queen Eleanor in 1204, A. D. 6.

(d) This Parliament, by the writ to the B. of Salisbury, is summoned for Sunday
before the Ascension, and by the Roll (6 John m. 2) is held in his 6th year. Selden
735. But, according to Sir Harris Nicolas' Table, p. 325, the 6th of John was com-
prised between 3 June 1204, and 18 May, 1205. In the former year, Ascension day
being Thursday June 3, the Sunday before would be May 30, in his 5th year. In 1205,
Asc. day being Thursday, May 29, the previous Sunday would be May 22, A. D. 7. It
appears that there was no such Sunday in the 6th John.

Jan. 8. (*Octaves of Circumcision.*) A great Council meets at London, and by prorogation to Feb. 9, (*Octaves Purif.*) at Oxford, at which are present the Prelates of the Church and the "Magnates regni," Bishops, Abbots, Priors, Earls, Barons, and other great men.

1207.
A. R.
8

The King requires the Bishops and Abbots to permit the "Personæ" and beneficed Clergy to grant a certain part of their income. They answer unanimously, "Anglicanam Ecclesiam nullo modo sustinere posse quod ab omnibus seculis prius fuit inauditum."

The Bishops, Abbots, Priors and Magnates make a grant for themselves. A Writ is addressed to the Archdeacons and inferior Clergy of Canterbury (not present) desiring an aid from them. (e)

May. A Council, "Convocation," composed of Archb., Bishops, Abbots, Archdeacons and all the Clergy, "ad concilium convocatis," assembles at St. Albans. (f)

Dec. 25. A "Curia" is held at Winchester, "præsentibus Magnatibus terræ." (g)

1207.
A. R.
9

Dec. 25. A "Curia" is held at Windsor. (h)

1208.
A. R.
10

A Parliament meets at London, "Præsidente Archiepiscopo cum toto secta laicali." (i)

Dec. 25. A "Curia" is held at Windsor, "præsenti-
bus omnibus Angliæ Magnatibus." (h)

1210.
A. R.
12

A writ for this Parl. directed to the Shire Reeve of Roteland is cited by Herbert, *Inns of Court*, p. 37. Selden, 736, quotes "the antientest writ of Summons he had seen, namely the 6th of K. John. It is directed to the Bp. of Salisbury, and commands him to come and to summon all the Abbots and Conventual Priors of his Diocese." Mandamus vobis rogantes quatenus omni occasione postposita, sicut nos et honorem nostrum diligitis, sitis apud nos ad London, die Dominica proximâ ante Ascensionem Domini, nobiscum tractaturi de magnis et arduis negotiis nostris et communi regni utilitate, &c., unde vestrum expedit habere consilium et aliorum Magnatum terræ nostræ quos ad diem illum ad locum facinus convocari. Vos etiam ex parte nostra et vestra Abbates et Priores Conventuales totius Diocesis citari facietis, ut Concilio prædicto intersint, sicut diligunt nos et communem regni utilitatem." T. &c. The Roll, says Selden, hath no such note of "Consimilia" to the rest of the Barons as is usually in other Close Rolls where summons to Parl. are entered. But it appears in the Body of this that the rest were summoned.

Selden mentions also that the First Summons was of ancient custom directed to the Archbishop of Canterbury; but that Hen. II., when he summoned that Archbishop to the Parl. of Northampton as a Delinquent, did not summon him as he did the other Barons, but commanded the Sheriff of Kent to cite him.

On the term "Fideles," see the Report I. pp. 61, 78, 100, 101, 144, and 455, App. to R. I. Vol. III.

(e) Wikes anno 1207—Ann. War. 1207. M. Paris, 1208. On the term "Magnates," as employed Annis 6 and 8, the Report observes (p. 55, 7, 8, 9, &c.) "The word was sometimes used in an extensive sense including all the Tenants in Chief of the Crown by Military service, and sometimes even the Knights of the Shire, when that Representation took place."

An Instrument in the *Fœdera* tested 17 Feb., Northampton, alludes to the grant made by the "Commune Concilium" at Oxford. This term, says the Report (I. c.) and "assensus concilii" seem to imply that the Assembly had power to grant to the King a Tax on the whole Kingdom, and had therefore general Legislative power similar to that possessed by the two Houses of Parliament of later times."

See Hody 208 &c., where is the Writ to the Archdeacon and others, from Prynn, extracted from the Pat. Rolls, 8 John.

(f) This meeting in the *Fœdera* is placed A. R. 8, 1206. But as the King's writ to the Clergy assembled at St. Albans is tested May 8, A. R. 8, the year must be 1207.

(g) Paris. M. Westm. Hody 271.

(h) Hody, 271.

(i) John de Rupescissa. Cotton (*Posthuma Lond.* 1651) p. 209.

(h) Paris. M. Westm. Hody, 273.

1211. *Sept.* A Convention of Prelates is summoned to London, consisting of Abbots, *Abbesses*, Priors, Templars, Hospitalers, Keepers of the "*Villæ Ordinis Cluniacensis*" and other foreign Regions, of all dignities and orders.

They are forced to redeem their privileges by payment of a large sum. (*l*)

1212. *Dec. 25.* A "*Curia*" is held at York, "*præsentibus Comitibus et Baronibus regni.*" (*m*)

1213. *May 13.* A Convention is held at Dover. The King and many Earls and Barons, and Pandulphus the Pope's Legate, are present.

The King engages to pay a yearly Tribute to the Pope for his Kingdoms of England and Ireland, "*communi consilio Baronum.*" (*n*)

- July 20. (St. Margaret's Day.)* A Convention, which meets at Winchester, consists of Earls, Barons, Knights and "*libere Tenentes.*"

The King receives the Archb. of Canterbury, and the exiled Clergy, and promises to make them restitution, and to observe the laws of King Edward. (*o*)

- Aug. 4. (Prid. Non. Aug.)* A Council, or Parliament, is held at St. Albans, in the presence of the Archb., Bishops and Magnates, including the Chief Justice.

By writs directed to all the Sheriffs of England, Four "*Legales homines cum Præposito*" from all the King's Domesne Towns, had been summoned to attend, "*ut per illos, et alios ministros suos, de damnis singulorum Episcoporum et ablatiis certitudinem inquireret, et quid singulis deberetur.*" (*p*)

- Aug. 25. (VIII. Cal. Sept.)* A great Council, or "*Colloquium,*" is held at St. Paul's, London. Langton Archb. of Canterbury, the Bishops, Abbots, Priors, Deans, and the Barons of the kingdom attend.

The Archbishop produces the Charter of Henry I., granting to his people their ancient Laws and Liberties. The Barons swear that they would contend for those liberties, even, if need were, unto death. (*q*)

1213. *Nov. 15. (15 of All Saints.)* A Council meets at Oxford.

Writs were addressed to all the Sheriffs, to the following effect, "*Præcipimus tibi quod omnes Milites Ballivæ tuæ qui summoniti fuerunt esse apud Oxoniam ad nos a die O. S. in 15 dies, venire facias cum armis suis, corpora vero Baronum sine*

(*l*) Paris. Hody, 274.

(*m*) Paris. Hody, l. c. A Convention is said to have been held at Northampton, A.D., 1212, to meet the Pope's Legates, but there is no record of such a meeting.

(*n*) Paris. M. Westm. Lambeth MS. Hody, 275.

(*o*) Paris. Ann. Wav. Lambeth MS. Hody, 276.

(*p*) Paris. Hody 277.

(*q*) Paris. Wav. Ann. Hody, 278.

armis singulariter; et quatuor discretos Milites de Comitatu tuo illuc venire facias ad nos ad eundem terminum, ad loquendum nobiscum de negotiis regni nostri." T. Meipso ap. Witten, 11, d. Nov., "Eodem modo scribitur omnibus Vice Comitibus." (r)

June 15. A great Assembly of the King and Barons meets at "Runimede, inter Windellshor et Stanes." 1215.
A. R. 17

By the advice of his Clergy, Nobles and other "Fideles," the King grants the Great Charter, which is signed by 25 Barons, on this day. (s)

(r) *Fœd.* I p. 117.—Selden T. of H. p. 738, says, "This strange writ of Summons, for ought I have seen is without example, and seems to point to that distinction of Tenants by Knights service, which I call Barones Minores of that time, from the Majores, or such as were properly Barons (The Report I 457, has Nov. 7, but in the *Fœd.* the Text is at Wyntten 15, die Nov.)"

This, says the Report, is the first Proceeding which may be deemed an attempt towards assembling this great body by Representation. The writs imply a distinction between such as were styled Barons, apparently including the Earls, and the 4 Knights, who were also distinguished from those summoned to attend with arms, in performance, it should seem, of the Military Service due by their respective Tenures, &c. How the 4 Knights were to be chosen, whether by the County, or according to the mere will of the Sheriff, does not appear. It seems most probable they were intended by the King as Representatives of the Freeholders of each County, and to balance the power of the hostile Nobles; and the measure might conciliate the minds of those who would otherwise have had no voice in the Leg. Assembly." see also Rept., note 22, where it is supposed that the four might be chosen by the County, and probably by the Suitors in the County Court, as in the writ, June 19, a. n. 17, expressly directing the 12 Knights to be elected "in primo Comitatu." This writ was probably without precedent, and without any other legal authority than that which it might derive from the King's Prerogative." *Rep.* I 61-61-61, and for the writ, see App. I vol. 111.

Hody 279, says 4 Knights from every Shire were summoned, together with all the Knights within the King's Bailiages. Hody errs as to the date Nov. 1, the time being specified in the Writ. He also strangely mutilates the Writ, though Selden gives it correctly.

(r) The *Parl. Hist.* calls it the 16th year of John. But the Magna Charta itself is dated as in the text. *Fœd.* I. p. 131. The Letters of Safe Conduct have also June 8, a. r. 17.

Article 1 of the Charter declares that the English Church shall be free, and shall have her whole rights and liberties inviolate.

Article 12. No scutage or aid shall be imposed except by the Common Council of our Kingdom, but for redeeming our person, &c.

Article 14. To have a Common Council of the Kingdom to assess an aid, otherwise than in three cases above mentioned, the King will cause to be summoned the Archbishops, Bishops, Abbots, Earls, and "Greater Barons," singly, by our Letters; and besides, we will cause to be summoned in general by our Sheriffs and Bailiffs all those who hold of us in chief, to a certain day, at the distance of forty days at least, and to a certain place; and in all the Letters of Summons, we will express the cause of the Summons; and the Summons being thus made, the business shall go on at the day appointed, according to the advice of those who shall be present, though all those who had been summoned may not be present.

Article 39. No Freeman shall be seized or imprisoned, or diseised or outlawed, or any way destroyed, nor will we try him, or pass sentence on him, except by the legal judgment of his peers, or by the law of the land.

Article 40. To none will we sell, to none will we deny, to none will we delay right or justice.

It is remarked by the Report (p. 63) as a striking circumstance, that by neither party was an appeal ever made for the decision of their differences to a Legislative Assembly to be convened for that purpose according to any existing Law, or any newly devised form, by which the authority of the whole nation might be given to any compact &c. It is also remarkable that no Article has reference to the previous existence of any Assembly for the purpose of general legislation, nor contains any provision for the calling of any such Assembly in future, or any provision purporting the existence by law of any representative System for the purpose of general Legislation, though it provides for the election, in each County, of 12 Knights to inquire of bad Customs to be abolished according to the Charter. Some provisions, however, do refer to the convention of an Assembly for the purpose of assessing extraordinary aids and *Scutage*, or a Conversion of Military Service due by Tenure into a money payment. "A Representation by Knights elected by the several counties, as forming a constituent part of the Common Councils of the Realm, was not then established by law." (p. 65.)

The term "Majores Barones" is not found in any earlier instrument (67). It may be presumed to have been in some degree understood, but the Clause must remain of very doubtful construction, without further evidence (68).

The constitution of the proper Legislative Assembly had probably continued the same from the time of the Conqueror to the accession of John, though, at times, the

HENRY III.

(23 Oct. 1216.)

1216. *Oct. 28. (Feast of St. Simon and St. Jude.)* The King
A. R. 1 is elected to the crown at a great assembly of Prelates
and "Magnates." (t)

Nov. 12. A great Council is held at Bristol. All the
Prelates of England, the Pope's Legate, the Archbishops,
Bishops, Abbots, Priors, Earls and Barons are present.

By their advice is issued a Charter of Liberties containing
many of the provisions of the great Charter of John, but with
the omission of the clauses respecting the assessing of scutages,
and the summoning of the General Council. By another
Instrument, the same liberties are granted to the people of
Ireland. (u)

1217. *Nov. 6.* A Council is held at St. Paul's, London.

A. R. 2 The King confirms the Charters. The Archbishops, Bishops,
Abbots, Priors, Earls, Barons, Knights, "et libere Tenentes
omnes de regno," grant a Fifteenth. (v)

Kings may have assumed legislative power with the sanction of their Select Council
only. All the King's Tenants in Chief by military tenure, if not all the Tenants in
Chief, were at one time deemed necessary members of the Common Councils of the
Realm, when summoned for extraordinary purposes, and especially for obtaining a
grant of any extraordinary aid to the King. Rep. I. 54.

(t) *Fœd. n. e.* I Hen. III.

(u) *Fœd. l. c.* The Charters to the English and Irish are granted at the same time.
Second letters are addressed to the Irish, tested, Gloucester, Feb. 6, 1217. On the
23rd of June, 1217, and on the 22nd of Feb. 1218, writs to the Sheriffs command these
Charters to be published and observed. They are confirmed by a Declaration made at
St. Paul's on the 16th Nov., a. r. 2, 1217. Hody, p. 253, says that the Dublin copy of
the Irish Charter is dated Nov. 12; which date may refer to the former year, or to the
confirmation, a. r. 2.

According to the Lords' Report (I. 76) Henry's advisers named in the English
Charter (tested 12 d. Nov. 1216) were all Barons, and probably the *Majores Barones* of
John. Those styled "Magnates Regni," were the King's proper Council. In the
Charter to Ireland, tested 6th Feb. 1217, the "Fideles" seem to include at least all the
Tenants in Chief of the Crown.

The passages omitted in the Charter are "Nullum Scutagium" down to "de Civitate
London," and from "Et ad habendum commune concilium" to "non omnes summoniti
venerint." The addition is, "Placuit supradictis Prelatis et Magnatibus *ex eor. in*
respectu quo usque plenius consilium habuerimus; et tunc faciemus plenissime tam de
his quain de aliis que occurrerint emendanda." &c.

It is extraordinary that these deviations in this and all the subsequent Charters should
have been so little noticed, and that the performance of the promise that they should
be thereafter fully considered should never have been required. The second Charter
made in the second year of Henry's reign, omits the clauses and also the promise with-
out any new provisions, but with a clause that scutage should be taken as in the time
of Henry II. The Charter of the 9th Henry III. has been always deemed "The great
Charter of the Liberties of the Kingdom." It omits the clauses respecting aids and
scutages, and the constitution of the "Commune Concilium," and contains, as the last
Charter, "Scutagium de cetero capiatur sicut tempore R. H. Avi nostri."

It is also remarkable that M. Paris, who has published the omitted clauses in the
Charter of John, was wholly ignorant of any difference between this and the subsequent
ones of Henry. He says, "Charte utrorumque Regum in nullo inveniuntur dissimiles."
Report I. 78, 79.

(v) Hody, 293; where are found many authorities.

March 11. (*Second Sunday after "Dies Cinerum," Ash Wednesday.*) A Council is held at Worcester. Lewelin, Prince of Wales, attends. (*w*) 1218.
A. R. 2

April 22. (*Sunday, Clausum Paschæ.*) A Council held at Worcester, is attended by the Legate, Archbishops, Bishops, Abbots, the Justiciar of England, the Earl of Pembroke, eight other Earls and fifteen Barons. They do homage and fealty to the King. (*x*)

..... A Common Council is held. 1219.
A. R. 3
The two Archbishops, the Earl of Pembroke, the Justiciary, thirteen Bishops, nine Abbots, eight Earls, fourteen Barons subscribe an ordinance declaring that no Charters or other Instruments shall be sealed with the Great Seal, "ad perpetuitatem," till the King is of age. (*y*)

Dec. 25. (*Natale Domini.*) A Council is held. The King of Man attends. (*z*) A. R. 4

Feb. 9. (*Octaves of the Purification.*) A Council is held at Worcester. Lewelin and the Welsh "Magnates" are present. (*a*) 1220.
A. R. 4

May 4. (*Monday before Ascension Day.*) A Council (Colloquium) is held at Shrewsbury. Lewelin, Prince of Wales, attends. (*b*)

May 17. (*Whitsunday.*) The Legate, Archbishops, Bishops, Abbots, Priors, Earls, Barons et "Majores Angliæ" attend the King's Coronation at Westminster. (*c*)

August. A Council meets. The King of Scotland is present. (*d*)

June 18. A Council is held at York. The King of Scotland attends. (*e*) 1221.
A. R. 5

Dec. 25. (*Christmas.*) A "Curia" is held at Oxford. Many Earls and Barons ("Magnates") attend. (*f*) A. R. 6

..... A Council, or Convention, meets at Westminster. 1222.

The "Magnates" treat "de negotiis regni." (*g*)

August 13. A Council is held at Canterbury. The King of Scotland is present. (*h*) A. R. 6

(*w*) Ford. 2 H. III.

(*x*) Ford. 1. c.

(*y*) Ford. 3 H. III.

(*z*) Ford. 1. c.

(*a*) Ford. 4 H. III.

(*b*) Ford. 1. c.

(*c*) Ford. 1. c.

(*d*) Ford. 1. c.

(*e*) Ford. 5 H. III.

(*f*) M. Paris. M. Westm. Hody, 1. c.

(*g*) M. Paris. Hody, 1. c.

(*h*) Ford. 6 H. III.

^{A. N.}
⁷ *Nov. ...* A Council is held, at which are present the Archbishop of Canterbury, the Bishops, Earls, Barons and "Magnates." (i)

1223. *Jan. 13. (Octaves of Epiphany.)* A Council, or "Colloquium," is held at London. The Archbishop of Canterbury, Barons and "other great men" attend.

^{A. N.}
⁷ The King declares, "He had bound himself by oath to preserve their liberties, and what was sworn he would observe." The Sheriffs (by writs, tested Westminster, 30 d. Jan. 1223) are commanded to ascertain, by the oaths of twelve knights or legal men in every county, what were the customs and liberties of England in the time of King John, before his wars with the Barons, and to make a Report on the same at London, fifteen days before Easter. (k)

June 26. (Monday after St John Baptist.) A Council is held at Worcester, which Lewelin, Prince of Wales, attends. (l)

^{A. N.}
⁸ *Dec. 25. (Christmas.)* A Council, or "Colloquium," is held at Northampton. The Archbishops, Bishops, Earls, Barons and "Milites armati" attend. (m)

1224. *June 9. (Oct. of Pentecost and Trinity Sunday.)* A "Colloquium" is held at Northampton. The Archbishops, Bishops, Earls, Barons, and many others are present.

^{A. N.}
⁸ The King takes the advice of his "Magnates," "de regni negotiis." (n)

August 18. A Council is held.

The Clergy grant an aid. (o)

^{A. N.}
⁹ *Dec. 25. (Christmas.)* A "Curia" is held at Westminster. The Archbishops, Bishops, Abbots, Priors, Earls, Barons, "et alii universi" are present.

When the solemnities are concluded, Charters of Liberties and of the Forests are sealed with the King's seal, and sent into every County. They are dated Feb. 10 and 16, and, like the former Charters, omit the clauses respecting scutages and General Councils. A fifteenth is granted. (p)

(i) Ann. Wav. a 1222. Hody, 299.

(k) Ford. 7 H. III. M. Paris. M. Westm. Hody, l. c.

(l) Ford. l. c.

(m) M. Paris. Hody 299.

(n) M. Paris. MS. Chron. Dunst. apud Hody, 300.

(o) Ford. 8 H. III.

(p) M. Paris and authorities apud Hody 301 et ss. Knyghton (coll. 2429) says the King granted these Charters to his "Magnates;" "ob quam causam Communes regni concesserunt 15m. partem omnium bonorum suorum."

These are the the Charters now in use. The Report (l. p. 80) states that the conclusion of the great Charter indicates that the grant was made also by the "Milites, libere Tenentes et omnes de Regno," which passage sufficiently shews that the consent of all cannot have been personally obtained, and that it must have been given by some persons in whom the right to bind others was vested by constitutional law.

Some difficulty occurs as to the return said to have been now ordered as to the Forests, a proceeding which the *Fœdera* assign to 1223.

March ... A Council "Magnatum," or "Majorum Angliæ," is held at Westminster. (q) 1225.
A. R. 9

Aug. 15. (Assumption of Virgin Mary.) A "Colloquium" is held at Shrewsbury, at which is present Lewelin, Prince of Wales. (r)

Sept. 22. (Morrow of St. Matthew.) A great Council of "Magnates" meets at Lincoln. By writs issued to the Sheriffs of Gloucester and seven other Counties, four Knights, "de legalioribus et discreciorebus," elected by the "Milites et Probi Homines" of the Bailiwicks, attend as accusers of the Sheriffs for an alleged infringement of the Charters, and the Sheriffs appear in person to answer the charge. (s) 1226.
A. R. 10

..... A Council, composed of Prelates and "Magnates," is held.

By their advice the war with France is deferred. (t)

Dec. 25. (Christmas.) A "Curia," held at Winchester, is attended by the Bishops and "Magnates." (u) 1228.
A. R. 11

Feb. ... A Council assembles at Oxford.

The King declares himself of age, and, by his own authority, cancels the two Charters, "as made and signed when he was not his own master, and he was not bound to keep what he was forced to promise." (v) 1227.
A. R. 11

Aug. 3. (III. Non. Aug.) A Council is summoned to Northampton on the subject of the Charters. (w)

October ... The King of Man and of the Isles, attends a Council. (x) 1228.
A. R. 12

Dec. 25. (Christmas.) A "Curia," held at Oxford, is attended by the "Magnates." (y) 1229.
A. R. 13

March 25. (Mid-Lent Sunday.) A Council is held at York. The King of Scotland is present. (z) 1229.
A. R. 13

April 29. (Dominica qua cantatur misericordia Domini, Second Sunday after Easter.) A great Council is held at Westminster. The Pope's Chaplain and Nuncio, the Archbishops, Bishops, Abbots, Priors, Templars, Hospi-

(q) Paris. Hody, 304.

(r) Ford. 9, H. 111.

(s) Report App. I, vol. III. The writs are tested, Winton, 22 d. June, and issue in consequence of a Petition of the Magnates, lately assembled at Winchester.

(t) M. Paris. M. Westm. Hody, 305.

(u) M. Paris. Hody, l. c.

(v) M. Paris. Hody, l. c. But the Pope's letter declaring the King of age, is dated 15 d. of April (April 13), and is placed in the new ed. of the Ford. in 1228, A. R. 12.

(w) M. Paris. Hody, 306.

(x) Ford. 12, H. 111.

(y) M. Paris. Hody l. c.

(z) Ford. 14, H. 111. The letters of safe conduct to meet the King do not always specify the assembling of a Council, but as such a meeting is often noticed, it has been presumed that upon these occasions a Council was always held.

talers, Earls, Barons, "Ecclesiarum-Rectores, et qui de Rege tenebant in Capite," are present.

The Pope's letter, requiring an aid against the Emperor Frederick, is read. The Earls, Barons and Laity refuse to comply, as they would not subject their Baronies and Lay Possessions to the Pope's exactions. The Prelates, fearing excommunication, consent, after three or four days' debate. (*a*)

October ... A Council is attended by David, son of Lewelin. (*b*)

1230. *Dec. 25. (Christmas.)* A Council, "Concio," is held
A. R. at York. The K. of Scotland, Archb. of York, Earls,
15 Barons and others, are present. (*c*)

1231. *Jan. 25.* A Council, "Colloquium," is held at West-
A. R. minster, and is attended by the Prelates and "Magnates."
15

An Aid, "de quolibet Scuto," is required from all who held Baronies, Clergy as well as Laics. The Laity consent, but the Prelates allege that Ecclesiastical Persons are not obliged to submit to the judgment of Laics, in regard that, without them, they lately gave an aid to the Pope. (*d*)

Feb. 9. The Statute of Ireland is made, commanding that the Customs of England be proclaimed and strictly kept and observed in that country.

The Meeting, as respects the dissentient Prelates, is adjourned. (*e*)

April 7. (15 days after Easter.) A Council or Convention, meets by adjournment, at Westminster. The Archb., Bishops, Abbots, *Abbeses*, Priors and *Prioresses*, who held in chief of the King, attend.

The Laity and most of the Clergy consent to an aid. (*f*)

Dec. 17. (XVI. Cal. Jan.) A great Assembly, "Consistorium," by order of the Pope, meets at St. Albans, on the Divorce of the Countess of Essex. The Abbots, Priors, Archdeacons, and nearly all the Nobility of England, "Magistri et Clerici," are present. (*g*)

1232. *March 7. (Nones of March.)* A Council, "Collo-
A. R. quium," meets, on the King's summons, at Westminster.
16 The Prelates and "Magnates Angliæ" are present.

A general aid is demanded. The Barons and Knights who

(*a*) M. Paris. Hody, l. c.

(*b*) Ford, 13. H. 111.

(*c*) M. Paris calls it a Concio. Alluding probably to the Christmas festivities, he says, there were present, also, "Milites et familia magnanimis." M. Westm., states the meeting to have been held "cum Magnatibus terræ nonnullis." Hody, 307. Paris mentions that, in 1230, the Clergy granted an aid.

(*d*) M. Paris. The Report (l. 81. 2) observes "All who held Knights Fees, had, in the estimation of this Historian, Baronies."

(*e*) Hody, 307, says the Statute of Ireland is dated at Westm. Feb. 9. A. R. 14. The Editors of the Ford, place it, A. R. 15.

(*f*) Pat. Roll, 15 H. 111, apud Brady, App. Introd. p. 42. Hody, 307. 8. The King's letter on this grant is tested, Westm. 14 April, A. R. 15.

(*g*) M. Paris. This meeting is introduced as a great Assembly of the States, though scarcely to be called a Council, or Parliament.

held in Chief, declare, that as they had personally served abroad, "de jure auxilium non debebant." They are permitted to depart. The Prelates object that many of their members summoned are not present, and they desire further time.

The meeting is prorogued to fifteen days after Easter, April 25, at Lambeth, where the Prelates "cum Proceribus regni," assemble at the stated period. (*h*)

August 8. (Before the Vigil of St. Lawrence.) A "Colloquium," held at Shrewsbury, is attended by Lewelin, P. of Wales. (*i*)

Sept. 14. A "Colloquium" is held at the King's Mansion, at Lambeth. The Bishops, Abbots, Priors, Clergy, Earls and Barons (Proceres) are present.

A Subsidy is granted by the Archb., Bishops, Abbots, Priors, and Clergy "terras habentes quæ ad Ecclesiam non pertinent," also by the Earls, Barons, Knights, Freemen and Villains of England. (*k*)

May. A Council of Magnates is held.

An Ordinance for all England, "de pace conservandâ," is agreed on, and, June 1, is sent to all the Sheriffs. (*l*)

June 24. (F^e of St. John.) A "Colloquium" is ordered, by summons, to Oxford.

The Earls and Barons refuse to attend. A second summons is issued for a Council at Westminster, on the 11th July (V. Ides July), which they again refuse to obey. They declare they will never obey the King's summons and will elect a new King, unless he dismisses the B. of Winchester (in May appointed Chancellor for life) and the Poitevins from his Court. (*m*)

August 1. A fresh summons for a "Colloquium" having been issued, commanding the Barons to bring pledges for their good behaviour, the Earls and Barons appear in military array. As many are still absent, no business is transacted. The King proclaims them banished, and proscribes their estates. (*n*)

Sept. 12. (Monday after Nativ. Virg. M.) A Council assembles at Colewent, to meet that of Lewelin. (*o*)

(*h*) M. Paris. Hody, 308.

(*i*) Ford, 16 H. III.

(*k*) Ford, l. c.—M. Paris. Ann. Wav. 1232. Hody, 309. The *Fœdera* shew that this grant was made by the Bishops, Abbots and Clergy "terras habentes &c.," and by the Earls, Barons, Knights, "Liberi Homines et Villani de regno." It is difficult to conceive in what sense these persons can have concurred, unless others were constitutionally authorized to act for them. It may be inferred that the Proceres, with the Prelates, represented all the Land, if not the commercial interest of the Country, and that the Proceres were the King's Tenants in Chief, of whom all other occupiers must have holden mediately, or immediately, and in this character they might have taken upon them to charge themselves and those holding under them. The grant was thus made by the Persons by whom the framers of the Charter of John, conceived such a grant ought to have been made, provided they were duly summoned. Report, l. p. 83.

(*l*) Ford, 17 H. III.

(*m*) M. Paris. Hody, 310. Cotton says, "the Summons is extant in a Plea Roll, 18 H. III, but the Ordinances are lost."

(*n*) M. Paris. Hody, 311.

(*o*) Ford, 17 H. III.

1233.

A. N.

17

Oct. 2. (*Sunday after Michs. Day.*) A Council, or "Colloquium," is held at Westminster. (p)

1234. Feb. 2. (*Candlemas Day.*) A "Colloquium" is held
A. R. 18 at Westminster. (q)

April ... A Council, "Colloquium," meets at Westminster. The Archb. of Canterbury, Bishops, Earls, and Barons, are present.

The Archb. threatens to excommunicate the King, unless he alter his courses. The King assents to their demands and dismisses his Counsellors. (r)

June 4. (*Sunday after Ascension day.*) A "Colloquium" is held at Gloucester.

The disinherited Barons are restored to favour. (s)

Oct. 12. (*Thursday after St Dionysius.*) A Council is held at Tewksbury.

An Act passes concerning Bastardy. (t)

1235. Feb. ... A Council, "Colloquium," is held. The
A. R. 19 Bishops and "Magnates Regni," are present.

The marriage of the King's Sister, Isabel, with the Empr. Frederic is discussed. (u)

July ... A Council is held, consisting of Archb., Bishops, Abbots, Priors, Earls, Barons, and of all others who hold in chief of the King.

A large grant is made. (v)

July 23. (*Morrow of M. Magdalen.*) A Council meets at Woodstock.

The Sheriff of Oxford is commanded to send from his County all the Abbots and Priors who do not hold of the King in Capite by Military Service, of all Orders, except the Cistercians, and Præmonstratenses. (w)

1236. Jan. 23. (*Morrow of St. Vincent.*) A "Curia," or
A. R. 20 Council, assembles at the Monastery of Merton (Surrey). The Archb. Bishops, Earls, and Barons, attend.

The Statutes (Provisions, Assisa vel Dictum) of Merton are enacted. (x)

(p) M. Paris. Hody, l. c.

(q) M. Paris. Hody, l. c.

(r) M. Paris. Hody, 312.

(s) M. Paris. Hody l. c.—But Writs appear in the Fed. tested 20 April and 13 May, for Service at Portsmouth on the Festival of the Ascension, June 1, A. R. 18.

(t) Selden; Tit. of Honour, 756, from the Plea Rolls.

(u) M. Paris. Hody, l. c.—But the Contract in the Fed. is tested 22 Feb. A. R. 20.

(v) Close Roll, A. 19. The writ for levying is tested, 17 July.

(w) Cl. Roll, 19 H. III. M. 7. Hody, 313.

(x) M. Paris. Knighton. Ann. Burton, 287. MSS. Lambeth. In one of these the year is 21, in all others 20. Hody, 314. The Parl. Hist., I 32, says "These Statutes have ever since been a part of the Statute Law of England." According to the Report I. 460 "the Language used to describe the authority by which these Provisions were made, shews that for making laws similar to those Provisions containing no Grant in the nature of an Aid to the Crown, a Convention of Prelates, Earls and Barons, had sufficient authority to signify the common assent to such a legislative Act."

April 28. (IV. Cal. Maii.) A "Colloquium," at London, is attended by the Archb^s. Bishops, Abbots, Priors, other "Ecclesiasticæ Personæ," and the "Magnates."

They grant an aid, (y)

June 8. (VI. Ides Junii.) A Council of "Magnates" meets at Winchester. (z)

Jan. 13. (Octaves of Epiphany and Hilary Day.) A great Council, at Westminster, is attended by the Archb^s, Bishops, Abbots, Priors, Earls, and Barons of all the Kingdom. 1237.
A. R.
21

The King confirms the Charters. The Prelates and Clergy "terras habentes quæ ad Ecclesiam non pertinent," the Earls, Barons, Knights, et "Liberi Homines" "pro se et suis Villanis," grant a thirtieth part of their moveables. (a)

June. ... A Council, at Worcester, is attended by David, son of Lewelin, P. of Wales. (b.)

Sept. 14. (Exaltⁿ. of the Cross.) A Council is held at York.

A "Finalis Concordia inter Angliæ et Scotiæ Reges" is subscribed by the Archb. of York, 5 Bishops, 14 Earls, 24 Barons, Scotch and English, in the presence of the Pope's Legate. (c)

Feb. 17. (Beginning of Lent.) A Council is held at London. The "Magnates" attend in arms. 1238.
A. R.
22

After long debates, the King takes an oath to be governed by a certain number of "Grave men," to be appointed for that purpose. (d)

April 13. (Tuesday after Octaves, Clause of Easter.) A Council is held at Oxford. The Magnates of the Marches and the Councillors of Lewelin attend. (e)

Jan. 13. (Oct. of Epiphany.) A Council is held at London. The Archb^s. Bishops, many other "Magnates," and the Legate are present. 1240.
A. R.
24

The Bishops exhibit Thirty Articles against the King for Violations of Magna Charta. (f)

Oct. 10. (Tuesday before St. Dunstan.) A Council is held at Gloucester.

(y) M. Paris. Pat. 20 Hen. III M. 8., ap. Prynn, Eccl. Jur. 2. 475. Hody, 316.

(z) M. Paris. Hody, l. c.

(a) M. Paris. Hemingford. Cl. Roll a 21, Prynn, Eccl. Jurisd. 3. 64 Hody, l. c.

"This grant, says the Report (l. 85. 6. 9) was made in conformity to the Charter of John, supposing that Charter to extend to all the Tenants in Chief and not to be confined to Military Tenants, though how their attendance was required does not appear. But the Clause of John was abandoned, and no legislative provision had been substituted."

(b) Ford. 21. H. III.

(c) Ford. l. c. M. Paris. Hody, 319.

(d) M. Paris. Hody, 320.

(e) Ford. 22. H. III.

(f) M. Paris. Hody, l. c.

A Convention is made between the King, and David, son of Lewelin. (*g*)

A. R. 25. *Dec. 7. (Octaves of St Andrew.)* A Council is held at London.

The Legate, David, son of Lewelin, and others, are present. (*h*)

1241. A. R. 25. *March 17. (Sunday before Palm-Sunday.)* A Council is held at Shrewsbury, at which David is commanded to appear.

Some of the English Arbitrators being absent, the meeting is prorogued to June 16, one month from Pentecost. (*i*)

Dec. 25. A "Curia," is held at Westminster. (*h*)

1242. A. R. 26. *Jan. 28. (Tuesday before Purifⁿ. 15 days after St. Hilary.)* A great Council, holden at London, consists of Archbishops, Bishops, Abbots, Priors, Earls and Barons, (omnes Angliæ Magnates).

They are convened by the following writ of summons.

Rex &c., salutem.—Mandamus vobis rogantes quatenus sicut nos et honorem nostrum pariter et vestrum diligitis, et in fide qua nobis tenemini, omnibus aliis negotiis omissis sitis ad nos apud London, a die St. Hillarii in 15 dies, ad tractandum nobiscum, una cum cæteris Magnatibus nostris, quos similiter fecimus convocari, de arduis negotiis nostris, statum nostrum et totius regni nostri specialiter tangentibus, et hoc nullatenus omitatis. Teste Meipso apud Windlesoram 14 die Decembris."

After a long debate, the Bishops, Abbots, Priors and Barons, refuse the King's demand of an aid towards the war with France, and send a written protest. (*l*)

1244. A. R. 28. *Jan. 13. (3 weeks before Candlemas).* A great Council, held in Westminster Hall, is attended by the "Magnates totius, Regni," Archbishops, Bishops, Abbots, Priors, Earls, and Barons.

The Clergy and Nobles deliberate separately. By common consent, a Committee is appointed to draw up certain Articles to be agreed to by the whole Assembly, regulating the King's conduct, and the nomination of his Chief Ministers, &c. The community of Clergy, Earls and Barons, give a joint answer, which being disliked by the King, the Meeting is adjourned for 3 weeks to Candlemas Day, Feb. 2.

Feb. 2. The adjourned meeting assembles. Proctors attend for the 2 Archbishops, and for 3 vacant Bishopricks, sent by the Chapters.

The King promises to observe the Liberties he had sworn to at his Coronation. A scutage of 20s., for every one that held

(*g*) Ford. 24. H. III.

(*h*) Ford. l. c.

(*i*) Ford. 23 H. III.

(*k*) M. Paris. Hody. 321.

(*l*) Rep. III ap. l. M. Paris. Hody 321. The Term "Baronagium" was applied to the whole Assembly, and was afterwards applied to that authority, by which, it was acknowledged, Taxes might be imposed on the People. Rep. l. 39.

The written Protest of this Parliament is the first that occurs in History.

by Barony, is granted for the marriage of his eldest Daughter. (m)

Nov. 3. (*Morrow of All Souls*.) A Council of "Magnates" is held. 1244.
A. R. 29

They refuse an aid against the Welsh. (n)

March 2. (*Morrow of "Cineres"*.) A Council is held at Westminster. David, son of Lewelin, and other Welsh, are summoned. (o) 1245.
A. R. 29

June 4. (*Pentecost*.) A Council of "Magnates" is held at Westminster.

A letter having been written by the "Magnates (Baronagium) et Universitas Anglie" to the Cardinals about to assemble at Lyons, the King cautions the Prelates not to do any act at this Assembly against the King's honour. (p)

Dec. 25 (*Christmas*.) A Council is held at London. Many Nobles and "Magnates" are summoned. (q)

March 18. (*Mid-Lent Sunday*.) A most general "Parliament" of the whole Nobility (Magnates) of the Kingdom assembles at London, according to the King's summons. The Prelates, Bishops, Abbots, Priors, Earls and Barons, are present. 1246.
A. R. 30

The King addresses them severally on the Pope's Exactions. Letters are addressed to the Pope on this subject by each Estate, by the King, by the Bishops, by the Abbots and Priors, by the Earls, Barons and "Nobiles Portuum Maris Habitatores." (r)

Dec. 21. (*St. Thomas' Day*.) A great Council is held at Winchester, by the King and "Electi Magnates." (s) 1247.
A. R. 31

Feb. 3. (*Morrow of Purifⁿ*.) A Council, or Parlt. of "Magnates," meets at London, including Archdeacons, and the chief part of the Clergy of all England. 1247.
A. R. 31

(m) M. Paris describes the two meetings at length. Hody, 322.

(n) M. Paris. Hody, 325.

(o) Feod. 29 H. 3.

(p) Feod. 29 H. 3. "Concilium Magnatum qui solemnitati Pentecostes nobiscum interfuerunt apud Westm." Paris says, that, in the same year, a Tractatus or Concilium was held with the whole English Nobility, assembled in military array at Newcastle, on the Feast of the Assumption, on the subject of the war with Scotland.

(q) Paris. Hody, 326, who says, he mentions these Christmas meetings, because they were not only for feasting, but also for public business.

(r) Paris. Ann. Burton. Hody 326. The word Parliament is now said to be first used by any Historian to describe such an Assembly (M. Paris, 1246). But John of Brompton employed it long before, 1 Rich. I., see P. H. I. 16; and a Writ. 29 H. 3, directed to the Sheriff of Northamptonshire, describes the meeting at Runnymede as a "Parlamentum." If it describes a Legislative Assembly constitutionally convened, it tends to prove that in the reign of John, and in the 28th H. 3, a Convention of Barons was deemed the Legislative Assembly of the Realm. The next use of the term, in an authentic document, is in the 42d H. 3., Report I. 91, 99, 461.

The letter of the Earls salutes the Pope in all their own names, with the addition "et alii totius Regni Anglie Barones, Proceres et Magnates et Nobiles Portuum Maris Habitatores, necnon et Clerus et Populus universus." All those Persons could not have been present, and must have concurred through the medium of the Earls and Barons mentioned as present. With the Barons of the Cinque ports, such a convention may have represented the whole kingdom, being, with the King, the Lords of all Landholders. p. 91.

(s) Paris. Hody, 328.

The Bishops having, at the Synod of Lyons, agreed to an aid for the Holy Land, to be paid by all the Clergy, the subject is debated for many days, and it is agreed that Letters shall again be sent to the Pope. (t)

April 14. (15 of Easter.) A general Assembly, or Parliament, meets, by summons, at Oxford. All the Magnates, Prelates, Earls and Barons assemble.

The Clergy consent to give the Pope 11,000 marks, except the Exempt, and three of the Secular Clergy. Laws are made on the Coin. (u)

April 30. (Pridie Cal. Maii.) A Council is held at Woodstock.

A Convention is made between Owen and Lewelin, sons of Griffin, P. of Wales. (v)

Oct. 13. (Feast of St. Edward, 15 days after Mich^a.) A Council assembles at Westminster. (w)

1248. *Feb. 9. (Octaves Purif^a.)* A Council, or Parliament, A. R. is held at London. The whole Nobility of England attend, including nine Bishops, many Abbots and Priors and Clergy, nine Earls, many Barons, and Knights, "and Nobles." 32

They deliberate on the affairs of the Kingdom. The whole Assembly refuse an aid, and present a list of grievances, which the King promises to correct. The Meeting is adjourned to July 8, fifteen days after Midsummer, when it re-assembles. An aid is again refused. (x)

1249. *Jan 5. (Edw. Conf., and day before Epiph.)* A Coun- A. R. cil is held at Westminster, to which are summoned 33 "copiosa Magnatum multitudo." (y)

April 11. (Clausum Paschæ.) A Council is held at London.

The Magnates insist on the appointment of certain Officers, the Chancellor, Justice and Treasurer, by their advice. (z)

1251. *Feb. 17. (XIII. Cal. Martii.)* A great Parliament is A. R. held at London. 35

Henry de Bath, Chief Justice, is accused of Treason. (a)

(t) Paris. Hody, l. c.

(u) Paris. Wikes, 1247. Hody, 329.

(v) Fred. 31. H. 3.

(w) Paris. Hody, l. c.

(x) Paris. Hody, 330. The Report l. p. 93, says, "The words Milites et Nobiles may have applied to the Justiciar, Chancellor, Treasurer, and others, members of the King's selected Council, who always were summoned, and many of whom were usually Knights. Little reliance can, however, be placed on the particular words used by Historians in describing such assemblies, scarcely two being described in exactly the same words; but the language used generally imports that the Assembly was composed of persons to whom the word Nobilitas was applicable. Paris describes the members as "Universitatis Barnagium."

(y) Hody, 331.

(z) Hody, 332.

(a) Paris. Hody, l. c.

Nov. 5. (Nonæ Novæ.) A great Assembly is held at the Monastery of Hales (Heyles.) A. R.
36

The King and Queen, and all the Nobility of England, Prelates, Earls and Barons, as well as Knights and People, attend the Dedication. *(b)*

Dec. 26. (M. of Nativ.) A great Assembly of the Clergy and Laity of England and Scotland, meets at York.

The K. of Scotland marries Margaret, the King's eldest daughter, and does homage. *(c)*

April 14. (15 of Easter.) A "Parliament" meets at Westminster. 1252;
A. R.
36

A Consultation is held with the Magnates respecting the taking of the Cross. A grant from the Pope of a tenth from the Manors of the Bishops and Prelates of England for the purposes of the Crusade, is opposed, on the ground that their grievances ought to be first redressed. *(d)*

Jan. 5. (St. Edward's Day.) A Convention of Prelates and Magnates is held at Westminster. 1253.
A. R.
37

In the absence of both Archbishops, they refuse to come to any resolution respecting a grant enjoined for the Holy Land by the Pope, and an aid demanded for Gascony. The meeting is adjourned to Easter. *(e)*

May 4. (Quindene of Easter.) A "Parliament" assembles in the Great Hall of Westminster. All the Prelates and Nobility attend, by the King's edict.

The Clergy grant a Tenth, and the "Mutes," a Scutage. The Charters are solemnly confirmed, and an Anathema pronounced (3 Ides, 13th May, 1253) by the Archbishop and thirteen Bishops, "in Pontificalibus," against all such as shall infringe them. *(f)*

Jan 27. (15 St. Hilary, and VI. Cal. Feb.) A Council, "Concilium," is held at London, or Westminster, before the Queen, and E. of Cornwall, Regent. The Archb. of Canterbury, Bishops, Abbots, Earls and Barons, are summoned on arduous and urgent business, touching the state of the Kingdom.

The Earls and Barons promise to be at London three weeks after Easter, and would go over to the King's assistance if need were, but refuse to answer the King's demand for money. The Bishops and Abbots promise to give an aid, if there was a neces-

(b) Wikes. Hody, l. c.

(c) Paris. Hody, l. c.

(d) Paris. But the Pope's Letter on the Tenth, given in the *Fœd.*, 36. H. 3, is tested, 11. Id. Mart. an. Pont. 10—which would be, according to Sir H. Nicolas' Table, 1253.

(e) Paris. Ann. Burton. Hody, 334.

(f) Paris. M. Westm. Ann. Burton. Hemingford. The Ratification of this Anathema by the Pope (Lunt. IV.) is dated, XI. Kal. Oct. an. P. 12, which is 1254. But this may have been correct as to the following year, the Excommunication itself, as published in the *Fœd.*, 37 H. 3, bearing date, anno 1253, 11. Ides of May, in the Great Hall, Westminster, and the King being absent during the whole of his 38th year, 1254.

sity, but the Bishops would grant no subsidy for the Clergy, "de Clericis nullam voluerunt facere concessionem." (g)

1254.

A. R.

38

April 26. (15 of Easter.) A Council is held by the Regents, at Westminster.

The Earls, Barons and other Magnates, had engaged to be at London, "cum equis et armis," to join the King in Gascony. The Sheriffs are required to oblige those within their Jurisdiction "qui tenent 20 libras terre de nobis in capite, vel de aliis qui sunt infra ætatem, et in custodia nostra," to do the same; and, moreover, to send to the Council two legal and discreet Knights, whom each County might elect, "Vice omnium et singulorum, eorundem, ad providendum quale Auxilium nobis in tanta necessitate impendere voluerunt."

Writs are also issued to the Archb. of Canterbury and York, and all Bishops, requiring them to convene all the Clergy, "Archidiaconos, viros Religiosos et Clerum," in their respective Dioceses, to consider of a Subsidy. They are then to send their Proxies to the Parliament, to give in their Resolutions. They refuse an aid.

July 19. (Vigilia B. Margarete Virg.) A Council is held at Oxford.

The Archb. of York is summoned, on the arduous affairs of the Kingdom and of Gascony. (i)

1255.

A. R.

39

April 15. (15 of Easter.) A Parliament is held in London. The King (on his return) meets all the Bishops of the Realm (the Archb. of Canterbury being abroad) the Abbots, Earls and Barons.

The King demands an aid beyond the Tenth granted by the Pope. They require the strict observance of the Charters, and the appointment of the Justice, Chancellor and Treasurer, who should not be removed, "nisi de communi Regni convocati con-

(g) The writ to the Archb. of Canterbury, tested Westm., a Reg. et Regente Com. Cornub. 27 Dec., begins, "cum quadam ardua et urgentia negotia &c., quæ sine concilio vestro et aliorum Magnatum nostr. nolumus expedire, velis mandamus &c." This, says the Report, 153. 4, was probably only "Concilium Magnatum," as distinguished from "Commune Concilium Regni," a Great Council, rather than a Legislative Assembly." Paris. MS. Dunstable, apud Hody, 339.

(h) Rep. App. I. vol. III. The writ is tested, T. Rega. et R. C. C., Windles. 11 d. Feb.

This writ, says the Report, tends strongly to shew that there then existed no Law, by which a Representation, either of the King's Tenants in Capite or of others, for the purpose of constituting a Legislative Assembly, or for granting an aid was specially provided, and it seems to have been the first instance, appearing on any Record now extant, of an attempt to substitute Representatives elected by bodies of men for the attendance of the Individuals so to be represented, personally, or by their several Procurators, in an Assembly convened for the purpose of obtaining an aid. This assembly seems to have been a Convention of Military Tenants only, in which all the Military Tenants of the Crown were to appear personally or by elected Representatives. The election of 2 Knights for each County might be considered a substitution for the General Summons provided by the Charter of John, if that Charter extended to all the Tenants in Chief of the Crown. The Substitution seems a novel proceeding of which there is no trace, unless the proceeding in the 15th John can be so considered. L. 56.

The writ to the Archb. of Canterbury is published by Fynde, from Cl. 88 H. 3. Hody, 339, remarks, "that in those days it was usual for the Clergy before the Parliament began to be called together by their respective Bishops to resolve what to give, and then to send up their Proxies to 'Parliament' with their determinations. Similar writs are addressed to the Prelates, Magnates, 'Militibus, Liberis Hominibus, Civibus, Burgensibus et omnibus aliis Fidelibus suis Terræ sue Hiberniæ.'" Paris.

(i) Report 111. App. I. The writ has no date, and the "F. of St. Margaret" admits many dates. See Tabic, Sir H. Nicolas, p. 190. July 20, is, however, preferred for various reasons.

cilio et deliberatione." The meeting is adjourned to Michaelmas. (k)

Oct. 18. (*F. of St. Luke.*) The "Magnates," assemble again at Westminster.

To the King's solicitation for an aid for the recovery of the Kingdoms of Sicily and Apulia, they reply, that the King had engaged in that business "sine concilio suo et assensu Baronagii," and that all had not been summoned according to the tenor of the Great Charter, and, therefore, they would then make no answer, or grant any aid, without the rest of the Peers. The Parliament sits for a month, but no business is done. (l)

March 26. (*Mid-Lent Sunday.*) A Parliament is held in the Chapter House, Westminster. 1256. A. R. 40

The "Magnates et Clerici," refuse to furnish a subsidy for Sicily, "Petita facere nec voluerunt, nec potuerunt." (m)

March 16. (*Friday before Mid-Lent Sunday.*) A great Parliament meets in London. Nearly the whole Nobility of England attend. 1257. A. R. 41

Richard, Earl of Cornwall, takes leave of the "Universitas Angliae," on proceeding to be crowned King of the Romans. The King, promising an inviolable observance of the Charters, obtains an extraordinary aid from the Bishops and Clergy. (n)

April 8. (*15 of Easter.*) A Parliament is held at Westminster.

The Archbishop of Messina attends on Sicilian affairs. The Clergy and Laity return the same answer of refusal as in the year before. (o)

April 10. (*Day after Hock Tuesday.*) A Parliament of "Proceres et Fideles," is held at London, on important business touching the King and Kingdom. 1258. A. R. 42

The Barons promise to endeavour to procure a common aid, "a Communitate regni," if the King will reform the state of the Kingdom. He grants to the "Proceres et Magnates," on oath, that this shall be done by twelve "Fideles" of his Council, and

(k) Paris. Ann. Burton MS. Chron. Dunst. apud Hody, 344. P. Hist. I 56.

(l) There is considerable difficulty with regard to the meetings of this period. M. Paris mentions two meetings in this year, one on the Festival of St. Luke, and another on that of St. Edward Martyr. The former was Oct. 18. The date of the latter is uncertain, as connected with the events described in the text. The Ann. of Burton says the Meeting was held, post Fest. St. Michaelis." Hody, 344.

(m) Ann. Burton. MS. Chron. Dunst. apud Hody, 346.

(n) A Writ to the Abbot of Burton on Trent is preserved in the Folders 41 H. 3— as follows "Cum dilectus Frater &c., habeamus vobiscum et cum aliis Prelatis et Magnatibus nostris tractatum super magnis et arduis negotiis ad communem utilitatem tam nostram quam vestram et totius regni &c., devotionem vestram attente rogamus in fide qua nobis tenemini firmiter injungentes, quatenus sicut nos et honorem nostrum diligitis, sitis ad nos Londiniis die Ven. prox. ante Med. Quadr. ad ultimum, ut tractatus et consilia vobiscum et cum aliis Prelatis et Magnatibus &c., valeant expleri. Teste Neapo. Westm. 12 Feb. a. n. 41." Paris. Hody, 348. P. Hist. I. 58. Rep. I 95. which adds, "It is highly probable that many Assemblies were specially summoned and actually met, during this and other reigns, of which no trace or record is now to be found."

The King of the Romans was crowned, on the F. of the Ascension (May 17) of this year. Foss.

(o) Ann. of Burton. Hody, 348. By an Inquiry this year, the Baronies were found to be 250. Paris.

twelve other "Fideles," to be chosen by the "Proceres" themselves, who should meet at Oxford on the F. of St. Barnabas, one month after Pentecost, for the purposes of such election, and he makes a declaration that he will submit to such regulations as these twenty-four Barons shall agree upon. (p)

June 11. (Barnabas Day, one month after Pentecost.)

A Parliament is held at Oxford. All the Nobility of England, Archbishops, Bishops, Earls, and "nearly one hundred" Barons are present.

The King and Barons, respectively, elect twelve persons to form a Committee of twenty-four, to amend all matters appertaining to the King and the Kingdom; *secundum quod melius viderint expediri*. These twenty-four have power to elect four from their own number, who are to form the King's Council of Fifteen.

The Committee, thus elected, first require of the King, the faithful observance of the Charter of the Liberties of England, which his Father, King John, had made, and he himself had so often sworn to observe, in the presence of the whole Baronage.

They provide that the appointment of the Chief Justice, Chancellor, Treasurer, and other Officers shall be with them, to be chosen from year to year, for ever.

The Twenty-Four ordain farther, that there shall be Three Parliaments in a year; the first on the Octaves of St. Michael (Oct. 6); the Second on the Morrow of Candlemas Day (Feb. 3); and the Third three weeks before the F. of St. John (June 1). To these shall come all the chosen Councillors of the King, whether summoned or not, to provide for the state of the Realm, and to treat of the common business of the Realm, when need shall be, by command of the King, or by his Summons. The Barons then choose Twelve Persons, (Two Bishops, one Earl, 9 Barons) to represent the Community in these Parliaments, "to share the cost or charges of the Community," according to the following form, "These are the twelve 'Probes Hommes,' chosen by the Barons, to treat in the Three Parliaments in a year, with the King's Council, for all the Community of the land, upon public business, and the Community will hold for established what the Twelve shall do."

Many other ordinances are made, and the Assembly then choose Twenty-Four Persons (3 Bishops, 8 Earls, and 13 Barons) to treat of an Aid, but nothing is concluded on this head.

An ordinance of the Parliament farther directs that, in every County, Four "discreti et legales Milites" shall be chosen, who are to inquire into grievances, and upon oath, make a report on the same; which Report, sealed with their own Seal and that of the County, is to be personally delivered by the Sheriffs to the Parliament to be holden at Westminster, on the Octaves of Michaelmas, next ensuing. (q)

(p) *Fœd.* 42 H. 3, by a test, *Westm.* 2. d. May, a Letter of the King states his concession, "*Procuribus et Magnatibus*," to be governed by a Council of 24, elected by the Proceres, who will meet at Oxford one month after Pentecost, to rectify the state of the Kingdom.

(q) *Paris. Ann. Wav. Ann. Burton*, in which occur the Lists of the several Committees. *Ann. Westm.* *Fœd.* 42. H. 3. *Hody*, 318. *P. Hist.* 1. 59.

This meeting is called "*Parliamēt*" by the King in his Letters of Safe Conduct to the Envoys of Llewelyn to attend, tested, 2 June, A. R. 42. (*Fœd.* 42. H. 3.) The

Oct. 6. (Octaves of Mich^s.) A Parliament is holden at Westminster.

The "*Communitas Bachelariæ Angliæ*" complain to the Earl of Gloucester (Edward, the King's son) and the other Jurats of the Council of Oxford, that the King had fulfilled all the conditions imposed by the Barons, but that they had done nothing for the benefit of the Kingdom, and only acted for their own advantage and the injury of the King; and that if they did not proceed properly, "*alia ratio pactum reformaret.*" Edward answers, that, though he had sworn against his will, he was ready to perform his Oath, and expose himself even to

same term is also adopted in the Provisions. The Report I. 101, says, "the 24 Fideles appear to have been persons of the first rank in the kingdom. The appointment of the 15, ten of whom, if not eleven, were of the 24, enabled the majority of the Council to act in the King's name without the concurrence of the rest of the 24, and therefore, in effect, put the whole power of the kingdom into the hands of so many of the 15 as were also of the 24, and indeed of 9, the majority of that body" (104). "These Instruments amounted to a complete abdication by the King of all his Royal Power, which was thus vested in the Council of 15, named, in effect, by the 24, and not by the King, of whom the majority were adverse to the King. In truth, the 15 seem thus to have superseded the authority of the 24, so far as the King could be deemed to have power for that purpose." (116.)

The words "*Communitas Regni*" apparently were at that time considered as meaning the Persons also called the Barons of the Kingdom, and no others, including the Clergy as well as Laity (do.). The Assembly can only have consisted of Persons under the denomination of Barons (137). See the Articles, Ann. of Burton, Rep. 105. The community were to be represented in future by 12 "*Prodes Homines*" elected by the Barons, and were to be bound by what the 12 should do (106). They seem to have been so appointed permanently (107). The predecessors of Henry had usually holden the Curia or Curia Regia, three times in each year, and his successor, Edw. I. held these "*Parliaments*," which acted ordinarily as his Great Council or Court of Justice, in the early part of his reign, Four Times in the year, and also assembled occasionally his Prelates, Earls, Barons, Knights, Cits. and Burghs, at the same time. The Parls. required by the Provisions to assemble of course, were probably, also merely to act as a Council and Court of Justice, unless the King commanded them to treat of the common business of the Kingdom. For that purpose, it was necessary to require the attendance of others, and the Provisions adopted the extraordinary measure of appointing 12 persons by name &c. (106). If the 12 Representatives attended only at the King's command, to treat of the business of the Kingdom, this assembly bore a near resemblance to the Parls. of Edw. I. which met ordinarily as a Court of Justice and as the King's Council, without the Lords and Commons, who were Summoned only by the King's writ, when the business of the Kingdom required their attendance (108).

The Provisions of Oxford were an innovation, so far as they required, that the Parliament should be convened at stated times, without Summons; so that it could not be dissolved or prorogued by the King. (do.) The Council of 15 were the Persons to whom the Government of the Kingdom was in effect committed in the place of the King; and they, with the 12, were also the Legislature of the Country." (109). It may be remarked here, that with the exception of the Knights who had been once or twice summoned for special purposes, the Legislative Assemblies had hitherto been composed of the same individuals, and their dismission more resembled a Prorogation than a Dissolution. (126). The Baronage really formed the Legal Assembly. The meaning of the term Community appears from the letter addressed to the Pope, "*à Com^me Anglim*," which is described "*Com. Procerum, Magnatum aliorumque*," and is signed by six Earls, the Ld. Ch. Justice, and 6 Barons, "*vice totius Comms.*" Fed. n. e. I. 372. Rep. 130. The attempt now introduced at Representation led to the important alterations which followed. All those hitherto summoned, and whose personal attendance was inconvenient, had been permitted to appear by their Procurators or Proxies. The transition was easy to a general appointment of a few to represent the rest. From the accustomed Representation of Individuals by Individuals, and from the Representation created at Oxford of the whole body by a few, the transition was also easy to the Represent. of a County by persons elected by that County. (127). The "*Commun*" in the writs issued Oct. 18, A. D. 1215, is rendered into English "*Lands-folk*," which seems to demonstrate that Territorial Property of some kind was the Qualification of those, who constituted the Legal Assemblies in the Parls. at Oxford. (127.) See also Mat. Westm. an. 1258.

The King's Letters to the Sheriffs commanding the election of Knights according to the Ordinances at Oxford, are published in the Fed., 42 H. 3, tested 28. d. July. The Report, I. 461, 2, notes, says,—"A regular Constitution of Parls. consisting of Lords Spiritual and Temporal, and of Knights, Citizens and Burgesses, one Legislative Body for consultation with the King on the general concerns of the Kingdom did not then exist." Their present summons was on a subject of partial interest. See Close Roll H. 3 A. D. 43, for writs for payment of their expences. This Parliament was afterwards called "the Mad Parliament."

death for the "Communitas Angliæ" and the benefit of the Commonwealth, and warns the Barons against any breach of their Oath. The King issues a Letter witnessed by the Archb. of Canterbury, the B. of Worcester, 7 Earls, and 7 Barons, (18 Oct. A. N. 42) engaging to act by the decisions of the Magnates chosen as his Council. The Committee of Twenty Four, afterwards, publish their Ordinances, in 19 Articles, as approved by this Parliament. (r)

Nov. 6. (*St. Leonard's Day.*) A Parliament, composed of the "Universitas Barnagii," is held at London. (s)

1259. Feb. 9. (*Octaves of Candlemas.*) A Parliament is held
A. N. at London. The "Nobiles Angliæ," are present. (t)
43

April. (*After Easter, Ap. 13.*) A Parliament meets at London. The whole Baronage attends. (u)

Oct. 13. (*Quind. of Mich^l. and P. of St. Edward.*) A general Parliament assembles. The Magnates Angliæ attend.

The itinerant Judges are directed to publish again the Oxford Provisions in the several Counties. (v)

1260. A Parliament assembles at St. Pauls.
A. N. 44

The "Baronage" had been ordered to meet at the Tower, which they refuse to do, demanding to have it held at Westminster "ubi Parliamentum tenere consueverunt." (x)

July 8. (15 *St. John, B.*) A Parliament meets at London, attended by the Magnates, (Council of 15) and Twelve. (x)

(r) There is some difficulty as to this meeting. The Ann. of Burton describe it as in the Text, but say it met on St. Edward's Day (Oct. 13) quindene of St. Michael, which seems to connect it with the Parliament held at that time in the following year, 1259. The same Annals however, give the Provisions and Ordinances, as made by the King and his Council and the Twelve elected by the Common Council, "par devant" the Community of England, then at Westminster, A. N. 43. That the act of the "Bachelors" was not at Michaelmas in 1259, appears from the publication of the Ordinances, as a consequence, which are dated, Westm. 29 March, A. N. 43. (Fœd. 43 H. 3.). The Report (l. 131) says, "This Parliament at Michaelmas was not one of the Three, but Specially summoned. It was composed of the Magnates or Council, with the 12 appointed to represent 'le Commun.'" But this appears to admit a doubt. It was held on one of the days appointed, and was equally one of those Parliaments, whether the members were summoned, or not. This article of the Provisions seems, however, never to have been observed.

With regard to the term "Bachelors," M. Paris (49 H. 3) explains them to have been merely the Knights. At a Tournament at Brackley, he says, were slain, "multi de Militibus Universitatis regni, qui si volunt Bachelarios appellari." Hody, 354.

M. Westm. says, this Parliament was adjourned to Winchester. Rapin, Vol. III. 436 (London 1727) says, but without giving his authority, that the Letter addressed to the Pope by the Magnates was done in a Parliament at Winchester. If so, it may have been the adjournment mentioned by M. Westm. This Letter against the B. of Winchester Elect and his Brothers, named of the 12 on the part of the King, states, "that by subterfuges and cavils they retard the event of Reformation." It is subscribed by 6 Earls, the E. Marshall, the Justiciar of England and 4 Barons, "Vice totius Communitatis." The subsequent answer of Alex. IV., says, there are no where so many "Homines periti" as in England! Fœd. 44, H. 3.

(s) Paris calls a Conference held this year with the Welsh, a Parliament. Hody, 356.

(t) Paris. M. Westm. Hody, l. c.

(u) Wikes. M. Westm. Hody, l. c.

(v) Paris. M. Westm. Hody, l. c.

(w) M. Westm. MS. Chron. Dunst. ap. Hody, 357. Fœd. A. N. 44.

(x) Cl. Rolls 44 H. 3. Ann. Burton. Report i. 132.

Oct 13. (*St. Edward's Day*.) A Parliament meets at London.

The King confers the Order of Knighthood on John, son of the D. of Brittany. (y)

April ... (*After Easter, April 24.*) A Parliament is summoned. (z) 1261.
A. R. 45

June 12. (*Whitsunday*.) A Parliament meets at Winchester.

The King exhibits to the Barons the Pope's Dispensation relating to the Provisions of Oxford. The King is thereby absolved from his Oath to the Magnates, and the Prelates, Magnates and other Clergy and Laics are not bound to observe their oath on the Statutes and Ordinances, which are in prejudice of the King, and they are required to return to their obedience. (a)

Sept. 21. (*F. of St. Matthew Ap.*) A Parliament is summoned.

The Bishop of Worcester and Earl of Leicester having summoned an Assembly to meet at St. Albans on this day, and having ordered Three Knights, from each County, to attend to treat with them on the affairs of the Kingdom, the King having also appointed the same day for a Council at Windsor, he enjoins the Sheriffs on this side Trent, to send the said Knights to the King, and to no one else "*supra præmissis Colloquium habituri.*" Twenty Five Barons are also summoned "*cum Equis et Armis.*" (b)

Dec. 6. (*St. Nicholas Day*.) A Parliament is held. "Major pars Baronum convenerunt cum Rege."

A Form of Peace is considered, but from the absence of many, is not adopted. (c)

April 23. (*Quindene of Easter*.) A Parliament is held at Westminster. 1262.
A. R. 46

After this meeting (2d day of May) a Letter is addressed to all Sheriffs to proclaim the King absolved from his Oath, the Barons not having observed the conditions and promises made at Oxford, but having done things in prejudice of the King and to the injury of his subjects. (d)

May 20. (*Whitsunday*.) A Parliament is held. 1263.
A. R. 47

(y) M. Westm. Hody, l. c.

(z) Wikes. Hody, l. c.

(a) Wikes. Hody, l. c. The Fœd. contain these Bulls of the Pope (Alex. IV). The first to the King is dated Ides of April, anno Pont. 7. The Second, to the Prelates and others, Nones of May.

(b) See Writs to the Sheriff of Norfolk and Suffolk, tested 11 Sept., A. R. 45, Rep. Ap. I. vol. 111., from the Cl. Roll, 45 H. 3, M. 6, verso, and Brady Hist., App. 531. There are no writs for Cities, Boroughs or the Cinque Ports, and no evidence appears that this assembly ever met. It seems to have been the only attempt to form a Legislative Assembly to which Representatives of Counties were summoned. Rep. I, 133.

Wikes, apud Hody, 357, says, a Parliament was called about Michaelmas, but the "*Barones recusabant cum Rege Parlamentare.*"

The Fœdera, and Report 111. 23, contain a Writ to the Sh. of York, which alludes to "*quoddam Parlamentum captum ad vadum de Montgomery, Teste Rege, Clarendon, 1 d. Sept.*" There is also a Writ, tested, ap Turrim, 17 d. Feb., with a Summons to the Parliament "*instans*" at London.

(c) Wikes. Hody, 357.

(d) Wikes. Fœd. A. R. 46.

The differences between the King and Barons are considered. The Barons refuse to acknowledge the Pope's authority. (e)

June 29. (*St. Peter and Paul.*) The Bishop of Worcester sends to the Chancellor a "Forma Pacis," and, on the 10th of July, the King's Letters announce that Peace is established between him and the Barons. (f)

Sept. 8. (*Nativ. Beatæ Mariæ.*) A Parliament is held at London. The Prelates and Proceres attend.

The Barons refuse any accommodation without a full observance of the Statutes of Oxford. (g)

Oct. 20. (3 weeks after Michaelmas.) A Parliament is held at London.

Messengers from Lewelin are present. (h)

A. R.
48.

Dec. 13. (*St. Lucy's Day.*) A Parliament is held.

The disputes between the King and Barons, are referred by common consent to the King of France. (i)

1264.
A. R.
48

Feb. 2. (*Candlemas Day.*) A Parliament is held.

The award of the King of France is read, annulling all the Provisions of Oxford, except what relates to the observation of Magna Charta, "nolumus autem nec intendimus per presentem ordinationem derogare in aliquo Regiis Privilegiis, Chartis, Libertatibus, Statutis et Laudabilibus Consuetudinibus Regni Angliæ quæ erant ante tempus Provisionum ipsarum." The Barons refuse to submit to the sentence and allege that all the Statutes of Oxford are founded on M. Charta. (k)

March 30. (*Mid-Lent Sunday.*) A Parliament is held at Oxford. The "Proceres Regni" attend, including Simon, E. of Leicester, and 10 other Earls and Barons of his Party.

The King again ineffectually adduces the Bull of the Pope, and the Award of Lewis; the Barons disclaim both. "The Provisions which were made, and which they were bound by oath to keep, were founded on the Great Charter. They were resolved to adhere to them to the end of their lives, as equally conducive to the good of the King and Kingdom." (l)

(e) Hody, 358.

(f) Ford., 1253.

(g) M. Westm. Wikes. Hody, 358.

(h) M. Westm. Wikes. Ford. A. R. 4. The Safe conduct for the Messengers of Lewelin to attend the King's Parliament, three weeks after Michaelmas, is tested 15 d. Sept. But it appears from the same authority, that the King went to France on the day of that test, to attend "a Parliament" of the K. of F. at Boulogne sur mer.

(i) There is some apparent difficulty here as to dates. It is evident from the Agreement still extant (Hody, 358) that this common consent was given on St. Lucy's day, 1263. But the ordinance of Lewis, as Arbiter, is tested at Amiens, on the Morrow of St. Vincent (Jan. 23) also, Anno 1263; meaning 1264, of the Calendar.

(k) Wikes mentions a Parliament held on Candlemas Day, 1262, at which the decision was made for a reference to the K. of France. In this he appears to have been mistaken. But as the subject was discussed at a Parliament held the following year after the ordinance of Lewis, (Jan. 23) such a meeting was probably held on Candlemas Day. That notwithstanding the date of the award, the year should be 1264, seems to be proved by the date of the Confirmation of this award by Pope Urban the Fourth, 17 Kal. April, an. Pont. 3, which was 1264.

Wikes. Contr. Paris. Hody, 359.

(l) The King is at Oxford, 12 March, when all the Scholars are ordered to retire during his residence there, as the "Magnates" are about to assemble. Safe conduct is also proclaimed, on the 18th, for both Parties about to meet on a Treaty of Peace at

June 24. (F. of St. John B.) A Parliament is held at London. The Prelates, Barons and "Communitas Terræ" are present.

Keepers of the Peace for 29 Counties having been appointed, by writs tested, 4, d. June, they are commanded as follows: "Et quia instanti Parlamento nostro, de negotiis nostris et regni nostri cum Prelatis, Magnatibus et aliis Fidelibus nostris tractare necessario nos oportebit, vobis mandamus quatenus quatuor de legalioribus et discretioribus Militibus dicti Comitatus, per assensum ejusdem Comitatus ad hoc electos, ad nos pro toto Comitatu illo mittatis. Ita quod sint ad nos Londoni, in octavis insts. F. Sæ. Trinitatis ad ultimum, nobiscum tractaturi de negotiis prædictis."

Ordinances "pro Pace Regni" are drawn up by the Prelates, Barons and Community of the Land, then present.

Letters are also addressed to the Archb. of Canterbury in France, stating the Prerogatives of the King, the Laws against usurpations and abuses of the Clergy, and the King's authority over them. (m)

Sept. 11. (Thursday after Nativ. B. Virg.) A Parliament is held at Canterbury.

Certain ordinances are signed by the King, the E. of Leicester, and six others, "pro nobis et ceteris Baronibus, et Communitate regni Angliæ." (n)

Dec. 13. A Parliament is held at Worcester.

1264.

A. R.
49

Brackley. All the King's Lieges are commanded to attend at Oxford on Midlent Sunday, "cum toto Posse suo." *Fæd.* 48 H. 3. Wikes. M. Westm. Knyghton gives the names of some of the Nobles who were present. *P. H.* 1. 67. *Hody*, 359. It is to be observed, that the *Forma Pacis inter Regem et Barones* (*Fæd.* n. e. 1. 452) alludes to a Parliament held at London on Wedn., Eve of St. Gregory, 8 day of March, 1264. In one of these meetings, the Conditions are fixed, under which the Archbishop of Canterbury is to return to England, "per totum Concilium Procerum et Magnatum;" March, 1264. The Battle of Northampton took place on the 9th of April, when four de Montforts and others were made Prisoners. The King replies to a Letter from the Barons on the 12th May, and the Battle of Lewes occurs on the 14th, when the King is taken. Peace is proclaimed on the 25th. The subsequent acts are during the King's Captivity.

(m) It is observable that Nine Counties were omitted in these writs, and that whatever other affairs the Knights had to transact, they had no share in the ordinances enacted, unless they were considered as representing such of the *Communitas Baronum* as were not personally summoned. For, though the *Form of Peace* was approved by all the Prelates and Proceres "et Communitate totâ Regni Angliæ" &c., one of the Clauses describes the King as acting "per Concilium Communitatis Prelatorum et Baronum" which is twice repeated. (See *Rep.* 140. *Fæd.* n. e. 1. 443.) It is curious that the Legislative enactments of the Provisions of Oxford were, in this proceeding, entirely kept out of sight, and that on the first occasion which occurred, Simon de Montfort, who had, with others, signed those Provisions and had hitherto so obstinately defended them, was the first person to restore something like the ancient Constitution and then to establish an entirely new one. Another remarkable fact is, that the Contemporary Historians do not appear to have noticed this Parliament, or any of the circumstances relating to it. (*Rep.* 139.)

The *Communitas Baronum* was still considered as forming properly the whole Legislative Assembly of the Kingdom, and its constituent parts remained the same as in the Clause of John. (142.) There is, indeed, no evidence that the Knights were elected, or attended. If elected by Tenants in Chief only of their Counties, they might have been considered as Barons (147-8. 154.) But, in the *Parl.* 49, H. 3, the ordinance is said to have been made by the common assent of the Prelates and "hauts hommes de la terre," without mention of Knights. The same occurs also with regard to other Ordinances made in this *Parl.* (*Rep.* 141.) The Knights may have attended only as witnesses, as was the case with the Mayor of London and many others (142). See also *Rep.* 1. 464. *Fæd.* 48. H. 3.

(n) *Rot. Pat.* 49, H. 3. M. 4. verso. M. Westm. Petit Rights of Commons. *Hody*, 360.

Certain Provisions and Constitutions are made by the Prelates and "Magnates," Earls, Barons and Community of the Kingdom. (*o*)

1265. *Jan. 20. (Oct. St. Hilary.)* A Parliament is held at
A. R.
49 London.

It is summoned by the following Writ:

Henricus, Dei gr: R. Ang. Ds. Hiberniæ et Dux Aquitanix, venerabili in Christo Patri R. eadem gratia, Epis. Dunelmensi salutem.

Cum &c. &c. et jam sedata turbatione prædicta super deliberatione ejusdem salubriter providenda, et plena securitate et tranquillitate Pacis ad honorem Dei et utilitatem totius regni nostri firmanda et totaliter complenda; ac super quibusdam aliis regni nostri negotiis quæ sine concilio vestro et aliorum Prælatorum et Magnatum nostrorum nolumus expediri cum eisdem tractatum habere nos oporteat.—Vobis Mandamus rogantes in fide et dilectione quibus nobis tenemini, quod omni occasione postposita, et negotiis aliis prætermisissis, sitis ad nos London in octavis St. Hillarii prox. futuris; nobiscum et cum prædictis Prælati et Magnatibus nostris, quos ibidem vocari fecimus, super præmissis tractaturi et consilium impensuri: Et hoc sicut nos et honorem nostrum et vestrum necnon, et communem Regni nostri tranquillitatem diligentius nullatenus omittatis." Teste Rege apud Wigorniam, 14 die Decembris.

Similar writs are directed, "eodem modo mandatum est," to the Archb. of York, 11 Bishops, 1 B. Elect, 10 Abbots, 9 Priors, 5 Deans, tested Woodstock, 24 d. Dec:

Similar writs, with the same test, are issued to 54 Abbots, and 1 Abbot Elect, to 26 Priors, the Prior of the Hospital of St. John of Jerusalem, to the Master "Militiæ Templi in Anglia," to 5 Earls, the Justiciar of England, 17 Barons.

"Item mandatum est singulis Vice-Comitibus per Angliam quod venire faciant Duos Milites, de legalioribus et discretioribus Militibus Singulorum Comitatum ad Regem London, in Octabis prædictis in forma supradicta."

Item, in forma prædicta, scribitur Civibus, Ebor. Civibus Lincoln, et cæteris Burgis Angliæ, quod mittant in forma prædicta Duos de discretioribus et probioribus tam Civibus quam Burgensibus suis.

Item, &c., mandatum est Baronibus et probis Hominibus Quinque Portuum, quod mittant (sing.) Quatuor de legalioribus et discretioribus Portus, &c., cum Prælati et Magnatibus tractaturi.

The writs are addressed to 122 Ecclesiastics, namely, the Archb. of York, 12 Bishops, 65 Abbots, 36 Priors and the Master of the Temple, 5 Deans, 5 Earls, (Leicester, Gloucester, Norfolk, Oxford, Derby) and 17 Barons, besides the Justiciar of England, to treat with the Prelates and "Magnates," "ad tractandum nobiscum et cum Concilio nostro super deliberatione Edwardi Filii nostri charissimi et securitate inde facienda, necnon et aliis arduis regni nostri negotiis." (*p*)

(*o*) MS. Cotton, apud Hody, 360. M. Westm. mentions a previous Parliament held at Oxford.

(*p*) This, says the Rep. i l. p. 141, 3, 4, was conceived in the ancient Form of Writs of Summons to the ancient Legislative Assemblies of the Realm, and from the continuation of it when Repres. for Shires, Cities, Boroughs, and afterwards of the Cinque

Feb. 19. (*Thursday M. of "Cineres."*) A "Tractatus" 1265.
is held, "de liberatione Edwardi." (q) A. H. 49

March 11. (*Wedn: Vigil of St. Gregory.*) A Parlia-
ment meets.

A Charter is prepared by assent of the King, Prelates, Earls,
Barons and Community, according to the Articles lately agreed
to at Worcester by the King and Magnates. (r)

Ports were constantly summoned, there seems further ground for the conjecture, that Prelates and Magnates were originally the only Constituent parts of the Legisl. Assemblies under the King. Only 23 Lay Lords were Specially Summoned, all probably of the party of the E. of Leicester (see List of those not Summoned 146). The Title of Baron is not given to any, but in aftertimes it seldom appears on Writs of Summons (144). The form of the Writs to the Sheriffs, Cities, and Boroughs, is not set forth, but most probably they resembled those to the Cinque Ports rather than the others. This Writ is as follows—*Rex Baronibus et Ballivis Portus de Sandwicho Salutem, &c.*

"Cum Prelates, Magnates et Nobiles regni nostri tam pro negocio liberationis Edw. primogeniti nostri quam pro aliis Communitatibus regni nostri tangentibus ad instans Parlamentum nostrum quod erit London in Octabis Si Hilari convocari fecerimus, ubi vestra sicut et aliorum fidelium nostrorum presentia plurimum indigemus, vobis mandamus in fide et dilectione quibus nobis tenemini, firmiter injungentes, quod, omnibus aliis pretermisissis, mittatis ad nos ibidem, quatuor de legalioribus et discretioribus Portus vestri ita quod sint ibi in Octis. præd. nobiscum et cum Prælati et Magnatibus regni tractaturi et super præmissis auxilium impensuri &c."

On the same Roll is a Writ to the Sheriff of Yorkshire "De expensis Militum." It directs that the Knights of the several Counties having been detained longer than they expected at the late Parliament, which occasioned them great expenses: "Cumq. Communi dictorum Comitatum varias hoc anno fecerint præstationes ad defensionem regni nostri &c. per quod aliquantulum se nimium gravatas: tibi præcipimus quod duobus Milit. qui pro dicto Comitatu parlamento interfuerunt, de concilio quatuor legalium Mil. ejusd. Comit. rationabiles expensas suas in veniendo ad dict. Parl. ibidem morando, et inde ad partes suas redeundo, provideri, et eas de eadem communitate levari facias: proviso quod ipsa Communitas occasione præstationis istius ultra modo non gravetur."

Such Cities and Boroughs as were disposed towards the King may not have been called. The Cinque Ports had been zealous partisans of the E. of Leicester, and were not afterwards summoned as part of the Parliament, till the reign of Edw. 3, though they were so once, 30 Edw. 1, and again 17 Edw. 2 (see Report 1., notes 53, 59). The Charter of H. 3, tested 14 March, A. H. 49, speaks of the assent of the K., his Son, the Prelates, Earls, Barons and Commonalty of the Kingdom. This Assembly appears, therefore, to have been differently constituted from that in the 48th, when ordinances are described only as made by the Prelates, Earls and Barons, or "haus hommes de la Terre." (Rep. 148.)

This Charter of March, A. H. 49, speaks of the Articles made with common consent of the King and Magnates, and which lately the King, at Worcester, transmitted under his seal to every county, inviolably to be observed for ever. It may, perhaps, be a question, whether in all these matters, as in that agreement of the 8th March, (Rep. 146) in which the K. and Prince are to command and enjoin on the "haus hommes e au commun de la terre," residing in every County, that the ordinance should be firmly kept, and in the Charter just mentioned, the immediate object of the summons of Knights, Citizens and Burgesses, might not have reference to these commands and requirements. Hitherto, perhaps, as to the Knights, and long afterwards, in relation to the Cinque Ports, such special purposes seem to have been kept in view, or rather to have been the sole ground of the summons.

Here, again, it is a singular fact that neither the continuator of the Hist. of M. Paris, nor the Annals of Waverley, nor the Chronicle of Mailros, though minute in describing events which preceded and followed, and all favourable to the E. of Leicester, do not even notice this Parliament. Thomas Wikes does not notice that of the 48th, and speaking of that of the 49th, says "Transacto vicesimo die Nativ. Dom. facta est London per Comitum Convocatio non minima Procerum Anglorum." (Rep. 151.) It may be added that Cotton, in his short view of the R. of H. 3, omits all allusion to it.

For the numbers summoned in this Parl. see the Fæd., and Dugdale's Summons. There are no subsequent writs for Citizens and Burgesses till the 23 Edw. 1, when they are not to the Cities and Boroughs separately but to the Sheriffs to cause to be elected for his County two Knights and for each City and Borough of his County two Citizens and Burgesses, in one writ. Writs were not addressed to the Counties or Cities of Durham or Chester, nor to Wales, which, excepting in the 15th and 20th Edw. 2, did not send members till H. 8.

(q) Ford. 49, H. 3. In the Report App. I. vol. III., is a writ directing the Sheriff of Salop and Stafford, who had neglected to send two Knights to London in 15 St. Hilary, to send two, in 15 St. Peter in Cathedra, March 8, wherever the King might be, to speak with the King and his Magnates, tested 23 d. Feb.

June 1. A "Parliament" is held at London.

The Sheriffs of Sussex and Hertford are commanded to summon, by four legal knights of their Counties, Peter of Savoy and others, "quod sint coram nobis et Concilio nostro in proximo Parlamento nostro London, primo die Junii, justitiam facturi et recepturi, &c."

The Dean and Chapter of York are also required to send two of the most discreet "Concanonici Viri," to treat with the Prelates and Magnates regni, at *Winton*, June 1, with full power to act for the rest as if present. (s)

Sept. 8. (Nativ. of B. V.) A Parliament of "Magnates" is held at Winchester.

All the Bishops are summoned, excepting of Lincoln, London, Worcester and Chester (of de Montfort's Party), the Abbots, the Priors, those holding Baronies with service due to the King, also the wives or widows of the Earls, Barons and Knights, who had been slain in battle or made Prisoners.

Rigorous proceedings are taken against the adherents of Leicester.

Seisin is made of all Lands and Tenements belonging to the Rebels, and these are divided amongst the King's friends. Many "ob suam Rebellionem," are committed to prison.

This Parliament is adjourned, "prolongatum," to the F. of St. Edmund, Nov. 22, at Westminster, in consequence of an invasion of the Welsh, under Lewelin. (t)

Dec. 25. (Christmas.) A Parliament meets at Westminster.

The "Nobiles" treat on the peace of the kingdom. (u)

August 24. (F. of St. Bartholomew.) A Parliament is held in the Camp before Kenilworth. The King, Prelates, Earls, Barons, Prince Edward and Ottoboni, the Pope's Legate, are present.

(r) There is some confusion here, attributable either to errors in the original or to the Editors of the *Fœdera*. The Parl. at London, June 1264, is stated to have been A. N. 45. The ordinance for keeping the *Forma Pacis* there made, is said to have been agreed on at a Parl. at London 8 d. March, 1264, that is, Wednesday Vigil of St. Gregory. But, presuming that in this instance the 8th March was the Feast Day, it could not occur on Wednesday, which, however, is right as to 11th March, 1265. But the order to the Sheriff as above is for 8th March. The Restoration of Edward and Henry occurred on the 10th of March, it is said, 1254. But even 1264 would be an error. The Letters of Edward engaging to keep the Charters "de Libertatibus," are dated, properly, London, 10 d. March, A. N. 49. This was probably the day before the meeting of Parl. The Charter of the King is tested Westm. 14 d. March, A. N. 49.

(s) These discordant writs cannot be reconciled with one another. The confusion of the times seems to have introduced doubts as to where certain meetings would be held. The last noticed writ to the Sheriff summons the Knights to wherever the King might then be.

(t) It appears from the *Fœdera*, that the escape of Prince Edward was on Thursday in the week of Pentecost, 28th of May. The battle of Evesham was fought on the 4th of August. The Continuator of M. Paris assigns the present Parliament to the Nativ. of the Virgin, which the Report erroneously calls Sept. 6. 1. 156. The *Annals of War*, say it was held on the Exalt. of the Cross, Sept. 14. Of the adjourned meeting there is no account. At this Parliament two Commissioners are appointed in each county, who, with the Sheriffs are to make a return of all the lands of the Rebels and their owners, at Westminster, on the 13th Oct. following. Brady, ex pat. 49 H. 3. 51.

(u) M. Westm. Hody, 366.

Six persons, 3 Bishops and 3 Barons, natives of England, are appointed by the King, "et a Baronibus consiliariis regni, et proceribus Angliæ," to provide for the good estate of the Land, and for those who had been disinherited. These six are to choose six others, 3 Bishops and 3 Barons as before, and if any difference arise, it is to be decided by the Legate and Henry, son of the King of Almaine.

The Dictum (Award) de Kenilworth, is made.

The King confirms the ancient Charters, and demands a Tenth of the Church for three years. He is answered, that Peace should first be restored. (v)

Oct. 26. (*Tuesday bef. E. of All Saints.*) A Parliament meets at Northampton, by summons to all the Bishops, Abbots, Priors, Earls and Barons. A. R.
50

The award of the Twelve is pronounced and confirmed. According to its Provisions, the disinherited Nobles and others are to be restored to their Lands on the payment of Five years Rents, or lesser sums, according to the nature of the offence.

It is also, by the same authority, decreed, that all Obligations, Writings or Instruments, made by the King, his son, or by any of the King's faithful subjects in reference to the Oxford Provisions, are held null and void; and all persons of the Kingdom are by the Legate, absolved from the Oath they had taken. (v)

Dec. 25. (*Christmas.*) A Parliament meets at Westminster. "Potentiores Terræ" are present. (x) A. R.
51

..... A "Parliament," held at St. Edmund's Bury, is attended by the Archbishops, Bishops and Abbots, Earls and Barons, and all who owed the King military service, with horses and arms, for the reduction of the Isle of Ely. 1267.

The King renews his demand of a Tenth from the Clergy for three years, and for the year last past. The Clergy refuse the demand. (y)

Nov. 18. (*Oct. St. Martin.*) A Parliament (commune Concilium Regni) meets at Marlborough, "ad meliorationem regni et expeditionem Justitiæ." There are present the "Magnates et Discreti," Justiciar, Chancellor, Judges and others of the King's Council, with the King, P. Edward and the Legate. 1267.
A. R.
52

The Statutes of "Marleberg" are made. (z)

(v) The award is dated, "in Castro apud Kenilworth, 2. d. Nov. ; or, in other copies, the day before the Cal. Nov., Oct. 31. A. D. 1266, A. R. 51. Rep. I. 158. See Hody, 266, for other authorities.

(w) Ann. Wav. Parl. H. I. 74. Rep. I. 158.

(x) M. Westm. Hody, 368.

(y) Cont. M. Paris. Many demands are made on the Clergy, to which they give resolute answers; but as to the Tenth, at length yield to a Bull of the Pope, granting the King a Tenth of all Ecclesiastical Benefices, dated, June 9, 1267. A. P. 2. A. R. H. 3. 51.

(z) These statutes have since been constantly received as part of the Law of the Land. (Rep. I. 159.) The Ann. of Wav. and Wikes do not mention this Parl., and the Contin. of Paris places it, A. D. 1269, A. R. 53. Hemingford gives the date, A. R. 52, 1267. "The Relations of Historians with respect to Parli. at this time appear as

1268. A "Parliament," or "Great Assembly," is
A. R. held at Northampton.
52

The Legate preaches the Cross. (a)

Oct. 15. A Parliament meets at Winchester.

The King makes P. Edward Seneschall of England. (b)

1269. April 7. (*Quindene of Easter.*) A Parliament is held
A. R. at London. The "Magnates Angliæ" are summoned.
53

A provision is made respecting the Jews. (c)

Oct. 13. (*III. Id. Oct., and Transl. St. Edw^d. K.*)
A Parliament is held at Westminster.

On occasion of the Translation of the body of Edward the Conf. to the magnificent Tomb prepared in the Abbey and to celebrate the opening of this Church completely rebuilt. To the ceremony are invited, by summons, all the Prelates and Magnates of the kingdom, "*necnon cunctarum Civitatum pariter et Burgorum Potentiores*," who, with a large crowd of the "*populares*," attend the spectacle. This being concluded, the "*Nobiles*" form a Parliament, and grant a Twentieth of the Moveables of all Laymen to the King, with the assent of the "*Regni Majores*." (d)

1270. April 27. (*Quindene of Easter.*) A Parliament,
A. R. "omnium Magnatum Angliæ" meets at London.
54

They treat of a Tax, and of the Expedition to the Holy Land. The meeting is prorogued to

July 1. (*Oct. St. John B.*) All the Prelates and "*Magnates*" assemble.

They discuss the important purpose of providing for the government of the kingdom in the absence of the King and his sons.

It is not considered expedient that the King shall leave the Kingdom, but an Aid of a Twentieth from the whole Kingdom, is granted, "*in subsidium Terræ Sanctæ*." (e)

inaccurate, when compared with Records and with each other, that little reliance can be had upon their Testimony." (Rep. I. c.) The Parl. H. I. 77, takes the authority of the Continuator.

(a) The Ann. of Wav. call this a Parliament; Wikes, a Great Assembly. The latter says it consisted of the Legate, and "*Anglicanæ Militiæ innumerabilis multitudo*," who, with the Princes Edward and Edmund, Henry son of the King of the Romans, the Earls of Gloucester, Warren, W. de Valentia and 120 Knights, took the Cross. Their example was followed by many others of all ranks. Of the Knights, twenty-two were called "*Vexilliferi*," Bannerets, and were more noble than the rest. (Rep. I. 160.)

(b) Ann. War., Hody, 229.

(c) Wikes. Hody, I. c. Rep. I. 160.

(d) This Assembly has been supposed to prove the Representation of Cities and Boroughs. But the Citizens and Burgesses were expressly invited "*ut Translationis Solemnia celebrius illustrarent*," and only the Nobles treated afterwards with the King, "*de Regis et Regni Negotiis, ut assolent*." The D. of Gloucester refuses to attend this "*Tractatus et Parliamentum Regis et Procerum*." Wikes. Ann. Wav. Report I. 161.

(e) The first meeting is given on the authority of the Ann. of Winton, apud Hody, 370. The second, from the Ann. of Wav. The writs for this latter, tested 30 d. May, A. R., 54, are noticed, Rep. I. 161, from the Fod. p. c. t. I. p. 483. From Letters Patent, tested Windsor, 4 d. Aug., it appears, that this Assembly met, and was probably summoned principally for the purpose of obtaining an aid for the voyage to the Holy Land. "*Quia tamen Prælati, Magnatibus et communitati regni nostri non videtur expediens neque tutum, quod nos ambo, &c. Nos, de Consilio Prælatorum et Magnatum, &c.*" There is no trace of the Commons in Summons, or in the language of

Jan. 13. (Oct. Epiph.) A Parliament of Magnates is held at London. 1271.
A. R.
55

The disinherited Lords, and others, are restored to their Lands,
"per commune Assensum." (*f*)

July 25. A Council meets, of Prelates, "Magnates et Proceres."

They legislate concerning the Jews. (*g*)

EDWARD I.

(*Nov. 20, 1272.*)

Jan. 14. (After F. of St. Hilary.) An extraordinary Assembly is held at Westminster of all the Prelates and "Magnates Regni," Archb., Bishs., Earls, Barons, Abbots, Priors, of every County Four Knights, and of every City, Four, who take the oath of Allegiance to Edward, before the A. of York, Robert de Mortimer, and R. Burnell, Clerks, who act as "Locum tenentes Regis."

1273.
A. R.
1

Wil. de Merton is made Chancellor. Some other public Acts are done. (*h*)

April 22. (Morrow of Clausum Paschæ.) A "general Parliament" is held at London, by prorogation from the quinzaine of the Purification, Feb. 16. 1275.
A. R.
3

Historians. The Prelates and Nobles may have assumed the power to make the grant for all, as expressed in former Instruments. (*Rep. I. 162.*) Tyrrel has published a Writ (Dec. 14) to Commissioners appointed to levy the tax of a twentieth, "in subsidium T. S. concessæ tam a Magnats. et Militib. quam aliis Laicis Hominibus." Hody, 370, who errs in calling this test, "Regni, 54." It was 55.

(*f*) Hody, 370.

(*g*) *Fæd. n. e. I. 489.* This is the last legislative act that can be discovered in this reign. It cannot, on the whole, be collected that there existed a clear established Law or Custom of electing Knights, Citizens, or Burgesses, or Representatives of the Cinque Ports, to attend in Parliament, according to the exigence of the Writs issued in the 49th H. 3. (*Report I. 163.*)

(*h*) *Ann. of War. Rep. I. 172.* The appellation of Parliament is in our time considered as particularly applicable to the Legislative Assembly of the country: but in the reign of Edw. I. and his Father, the term was applied to an assembly regularly meeting at stated periods, and acting generally as the King's ordinary Council, or as a Court of Justice, and the Legislative Assemblies appear to have been usually summoned to meet the King during the sitting of one of his ordinary Parliaments. The meetings required by the Oxford Provisions were not entirely a new provision, but had reference to ancient usage. The Parl. so assembled does not appear to have been a Common Council of the realm, authorised to grant aids to the King, or to exercise any legislative power, except so far as the King had been accustomed to make legislative ordinances with the advice of his Select Council. (*169.*) In the early part of his reign, Edward frequently held Four Parls. in every year, after Christmas, F. of St. Hilary, F. of Easter and of Michaelmas, probably the restoration of an ancient practice. These were not Legislative Assemblies, but the King's Great Court. As occasion required, Edward required the attendance of Prelates, Earls, and Barons, and others, on the business of the kingdom. (*171.*) No writ appears on record for election of Knights from 49 H. 3. to 18 Ed. 1. and none for Citizens and Burgesses, from the same year to 23 Edw. 1. when writs issued not to cities and boroughs, but to the several sheriffs, to cause to be elected for their Counties, two Knights, and for each City and Borough, two citizens and burgesses. (*164.*) See *l. c.* why Durham, and Chester, and Wales, were not included

The Archb., Bishops, Abbots, Priors, Earls, Barons and "la Communauté de la Terre" ("ileokes somous,") enact 'the Statutes of Westminster, the First,' for securing the peace and liberties of the people, and the privileges of the Clergy. (i)

Oct. 13. (15 of St. Michael.) The Archb., Bishops, Earls and Barons assemble in Parliament, at Westminster.

The Prelates, Earls, Barons, "et alii de regno" grant a fifteenth of their lay goods, as a Subsidy. Laws are also enacted respecting the Jews. (k)

1276. **Oct. 13. (15 of St. Michael.)** A Parliament, Great
A. R. 4 Court or Council, is held at Westminster.

The affairs of Lewelin, son of Griffin, K. of Wales, are discussed. (l)

Nov. 12. (Morrow of St. Martin.) The Prelates, Earls, Barons and others, specified as others of the King's Council, Justices, and "Dom. Regis Fideles" again assemble in Parliament.

They determine that the King shall proceed against Lewelin. The King issues orders for the exact observance of the Charters of Liberties. The Statute "de Bigamis" is enacted. (m)

1277. **A Parliament assembles.**

A. R. 5

The Laity grant the King a Thirtieth or a Twelfth of their moveables, towards the charges of his expedition. (n)

1278.

A. R. 6

July and August. A Parliament, composed of the

(i) The Ann. of Wav. say 15 days of Easter, but the writs themselves now supersede all other authority. The Parliaments for which writs of Summons appear in this authorized collection, during the reigns of Edw. I. and II., are hereafter indicated by the letters P. W. I. or II.

The Statutes are said to have been made "by his Council," and with the assent of the rest. But in a writ directed to the Justices of Chester, they are stated to have been made "Concilio Prælat. et Magn. Regni," and the Ann. of Wav. say, "Omnium Magn. Angliæ." There is no evidence of any summons or personal attendance of those described as the Communauté, though many members of the King's Council may have fallen under the description of persons so assenting (173), or by the "Communauté de la Terre," may have been meant the Comm. of Tenants in Chief of the Crown (174). The writ to the Archb. of Canterbury mentions twice the Prelates and Magnates only. See Parl. Writs I., and Rep. App. I. Vol. III.

(k) P. W. I. The Ann. of Wav. say about F of St. Luke (Oct. 13). The "alii de regno" could not all have been personally present, and must have assented by the means of others, or the Tenants in chief, not included among the Majores Barones of John, may have been meant. (Rep. 175.)

(l) The Ann. of Wav. mention this "Parliament" as summoned for the 8ves of St. Michael, but refer to it the proceedings of that held last year at the same time on Jewish regulations. The Close Roll of Edw. I., a. n. 4, is the present authority. (Rep. 179.)

(m) At which Parliament this edict was published, is uncertain. The An. of Waverley place it in connection with the declaration of war against Lewelin. On the same authority, a Parliament had been held at Westminster after Easter 1276, in which the 15th was ordered to be levied; Wikes describes a Parliament in 15 days of Easter, 1275; which probably was an error for 1276. Possibly this Parl. may have been first convened at Easter, and then adjourned to Michaelmas, when it finally adopted the Stat. de Bigamis. The Rep., p. 182, endeavours thus to reconcile the different statements. The P. Hist. I. p. 83, mentions, from the Annal Wigorn. &c., another Parl. held at Winchester this year, where the King confirmed the Charters &c.; but there is no other authority for such a meeting.

(n) See. P. H. I. 83. Tyrrel says "this Parliament is not in the Rolls, which shews that there were many more Parliaments than we can now find upon record. He states a Thirtieth, but Thos. Wikes, sub anno 1277, mentions a Twelfth. The writs of a Military Summons for this Expedition, are tested, 12 d. Dec., a. n. 5.

King's Council, Prelates, Earls and Barons, meets, on Summons, at Gloucester.

The important Statutes of Gloucester are made. (o)

October. A Parliament is held.

The K. of Scotland does homage to the King. (p)

Michaelmas. A Parliament assembles at Westminster.

1279.
A. R.
7

The Statute of Mortmain is enacted "*de consilio Prælatorum Comitum et aliorum Fidelium regni de Consilio existentium.*" (q)

Jan. 20. (Octaves St. Hilary.) Two great Assemblies are held, one at Northampton, the other at York, by writs from the King, (tested 24 Nov. A. R. 11, 1282)

1283.
A. R.
11

The Sheriffs of different counties are directed to send before the King or those whom he should appoint, all those of his Bailiwick able and fit for arms, who had more than 20 pounds of Land, and were not with the King in Wales; and four Knights of the County, for the Community of the County, having full power, and of every City, Borough, and Market Town (*Villæ Mercatorie*) two men having like power for the Communities of the same, to hear and do those things which to them, on the King's part, should be shewn. *Et nulli de Balliva tua ultra 20 Libratas Terræ habenti et ad arma potenti et apto, amore, favore, munere seu timore vel aliâ quâcunque ratione parcere vel deferre præsumas. Nec etiam aliquem ultra 20 Libr. Terræ non habentem, licet ad arma aptus seu pronus fuerit, coram nobis vel fidelibus nostris prædictis aliquatenus venire facias ex causa prædicta, &c.*

The Sheriffs of 32 Counties are to send their men to Northampton, and of 5 to York, Chester and Durham being omitted. Precepts are also addressed to the Archb. of Canterbury, to cause all his Suffragans, Abbots, Priors and other Prefects of religious Houses, and Procurators of Deans, and Chapters of Collegiate Churches, to come before the K. at Northampton; and to the Archb. of York, for a like meeting at York.

The Archb. of York is appointed by Letters to ask and procure from the Clergy, Knights, Freeholders, Communities, and all others, of the Counties beyond Trent, a Subsidy from all his subjects beyond Trent.

The Clergy summoned for granting an aid, refuse it, because the Diocesan Clergy had not been summoned "*more debito.*" The Archbishops, therefore, summon a Convocation at Easter.

(o) P. W. I. Report I. 183. According to the Statute Roll in the Tower, these Statutes were made in Aug. 1278. It states that the King had summoned "*Les plus desceres de son regne, aussi bien des greindres come des meindres.*" But the persons who made these Statutes are afterwards described in the Stat. of 13 Edw. I. The "*plus desceres*" may have rather been those whose assistance was called for in advising and framing the Statutes, as the Judges and others, as before in respect to the Statutes of Marleberg. The Statutes of Gloucester affect the Law of England at this day. (Rep. 183.)

(p) This appears from the Close Roll, 6 Edw. I. App. Roll. Parl. The Ann. of Wav. also mention this Parl. The P. Hist. I. 83, states that the Statutes of Gloucester were said to be made, Oct. 4, 1278. They may have been confirmed on this occasion.

(q) This date is from the Close Roll, stating the appearance of the Archb. of Cant. A writ, tested the 15 Nov., is addressed to the Justices, reciting the Statute, "*de Viris Religiosis.*" Wikes describes it as made "*de communi consilio et assensu Procerum.*" (See Rep. p. 183) and the Ann. of Wav. say "*de consilio quorundam Proucilium et Baronum.*" See H. Knighton Inter 10 Scripts. Col. 2462.

The Knights, Freeholders, &c., grant certain services, which seem to have been personal. (r)

1283. *Sept. 30. (Morrow of St. Michael.)* A Parliament is
A. R. 11 held at Shrewsbury.

Eleven Earls, ninety-nine Barons are summoned. The Sheriffs had been directed to send two Knights for the community of each County, and the Mayor and Citizens of London and other twenty Cities, to send two Citizens "de sapientioribus et aptioribus." Seventeen other persons, some of them Judges, and the Constable of the Castle of Bristol, are also commanded to attend. Proceedings are taken and judgment of death pronounced against David, heir to the Principality of Wales, and this country is annexed for ever to the Crown of England. The Statute of Acton Burnel (so called), or "de Mercatoribus," is enacted "by the King and his Council." (s)

1284. *May 24 ?* A Parliament assembles at Rutland, or
A. R. 12 Rhydland.

The Statutes of Wales and of Rutland are enacted. (t)

1285. *March 25. (Easter.)* A Parliament is held at West-
A. R. 13 minster.

(r) P. W. I. This extraordinary proceeding shews that the Legislature was not then fixed on the basis of constitutional principles, known and acknowledged by all. Two distinct assemblies, for military purposes, of men of considerable landed property, excluding those equally apt for military duty, but not possessing the same property, and at the same time, two distinct Conventions to act for the Commonalty of two distinct parts of the realm, were never before, or afterwards, convened. Those who held by military service, had before been summoned, and the Earls and Barons were now probably with the King. They were not summoned to Northampton or York. Two distinct Conventions of the Clergy were afterwards not uncommon. (Rep. 187-8.) Prynne, Brev. Parl. Red. p. 170, gives the return of the Sheriffs of Salop and Stafford, which takes no notice of any Representatives for the Villæ Mercatorie. It may be a question whether these Writs refer to An. 8, E. 1, presuming even that he has mistaken the year. At p. 232, he considers A. 23, Edw. 1, as that in which the *Sheriffs* were authorised first to make these elections. The Parl. Hist. has admitted many errors in relation to this period. I. p. 85. See Hody, 378, on the participation of the Clergy in these proceedings.

(s) P. W. I. All these Cities and Boroughs, except Chester, appear to have held immediately of the King, and the King had then the Earldom of Chester in his own hands, and Chester held of the Earl. (Rep. I. 189.) The Writs did not require that the persons chosen should have full power to consent for their respective Counties, Cities, and Boroughs, as in subsequent Writs, but merely to confer with the King on the business of David, and on other business. It does not appear that any Prelates were summoned. David was condemned of High Treason, and executed. Who were his Judges does not appear. The Statute of Shrewsbury, or Acton Burnel, is dated the 12th day of Oct., A. R. 11. (Rep. I. 190-1.) It seems to have passed without the concurrence of Knights, Citizens, or Burgesses; but, if with their concurrence, the ancient style was preserved.

There is much confusion of dates in all the Histories of this period.

Wikes had related that on the 24th of June, 1281, A. R. 9, previous to the Welsh Expedition, the King held a Parl. at Westminster, when it was determined that all the Magnates Regni should attend the King, who took a Scutage of 40s., "de toto regno suo." The Parl. Hist. I. makes the Parl. of Shrewsbury, Sept. 30, 1283; and then says, "very soon after another Parl. met at Rothland, May 24, 1282, when the Statute of Rutland or Rhydland, annexing Wales to England, passed, A. R. 10. At Christmas, 1282, again, the King is said to have held a particular Parl. at Bristol; and the Editors then notice this Parl. at Acton Burnel, in Oct. 1283, A. R. 11. For the above are cited the authorities of Daniel, Statutes at Large, Walsingham, p. 51. Wykes, p. 112.

(t) This Parl. is presumed on the authorities, Walsingham, p. 51, &c. cited in the Parl. Hist. The writers of the Report state, that they have found no authentic document importing that any Parl. was then assembled at Rothelan, and the contemporary Historian, Wikes, makes no mention of any such. They consider that these Statutes (tested, Rothelan, A. R. 12) emanated from the King's sole authority. (Rep. 191-2.)

The Statutes of Gloucester (6 Edw. I) are amended "Addimenta Glouc.," and the celebrated Act "de Donis Conditionalibus," is passed.

Other important Statutes are made. The Statute of Acton Burnel is also declared and enforced. These are the Statutes of Westminster, the Second.

The Prelates, Men of Religion, and other Ecclesiastical persons, Earls and Barons, and other persons, secular or lay, pray the King to confirm the Charters of his Progenitors. The King "habito super hoc cum suo concilio tractatu" grants such confirmation. (u)

Oct. 8. A Parliament is held at Winchester.

The Statute of Winchester, applying principally to the administration of justice, and the preservation of the public peace, is made. (v)

Feb. 3. (After Purifⁿ.) A Parliament is held at 1286.
Westminster. A. R. 14

May. A Parliament of "Magnates" and "Proceres" 1286.
is held at Westminster. A. R. 14

Edmund, E. of Cornwall, is appointed Regent, in the King's absence. (w)

July 14. (3 weeks after St. John Bap.) A Parliament 1287.
is held at Gloucester, by the Regent. A. R. 15

One hundred and seventeen Barons and others are summoned. (x)

February. A Parliament of the "Magnates," at Lon- 1288.
don, is summoned by the Regent. A. R. 16

The B. of Ely, Treasurer, in the King's name, desires a Subsidy "a Comitibus et Baronibus, imo et generaliter ab universis incolis regni." The E. of Gloucester answers for the rest, "that they would give nothing until they should see the King in England." Upon which, the Treasurer "cepit talliare Civitates, Burgos et Dominica Regis per totum regnum, &c." (y)

(u) Close Roll, 13 Edw. I. Statutes, 11 Edw. I. in Dors. The provisions in most of the Statutes, 13 Edw. I. are of great importance, and the foundation of much of the Law of the Land as it now stands. The entry on the Close Roll shews that Prelates, Earls, and Barons, and others, were present at this Parl. The others present were probably such as are described in many documents as present in the Great Hall of Westminster, but who were certainly not members of the Legislative Assembly. (Rep. 194.) Another proceeding in this Parl., is the act of the King alone, with his Select Council, as usual, with regard to Legislative Acts, affecting only the King's rights. The Ann. of Wav. speak of the Statutes of Westm. and Winchester; but Wikes makes no mention of any Parl. 13 Edw. I. Yet he mentions a Convocation after Easter, 1286. "Congregatio maxima Magnatum totius regni, tam secular. quam Ecclesiasticorum apud London, ad tractandum," &c.

(v) Great Roll of the Statutes in the Tower. Ann of Wav. (R. I. 192. 4) The next Parliament is given on the authority of Stowe. Ed. 1681, p. 293.

(w) The evidence for this Parliament is in the Writs 16 Edw. I. referring to such an assembly held immediately before the King left the Kingdom, which according to Stowe was May 10. (R. 195.) Does the "Congregatio" held according to Wikes after Easter, 1286, refer to this Meeting? No laws were made on this occasion.

(x) See the Summons to Rob. Peche and others, tested by the Earl, 14 d. June. App. Rep. III. p. 51.

(y) Wikes, p. 117. By Magnates (says the Rep. l. 194) seems sometimes to have been intended all the Tenants in chief by Mil. Service; and when coupled with the word "Clives," the Knights also of the Shires, consequently all those Tenants in Chief not Summoned by Special Writs.

1290. *January 30. ("After F. of St. Hilary.")* A "Parliament" is held at Westminster. (z)

April 22. (3 weeks after Easter.) A Parliament of "Magnates" meets at Westminster.

This Parliament is continued, or adjourned, to

July 8. (15 days after St. John B.)

Many important Statutes are made, "De consultatione," "De quo Warranto," and "Quia Emptores." "Statutes of Westminster, Third."

An edict passes for the Banishment of the Jews from the Kingdom.

On the morrow of the Holy Trinity (May 29, or June 1), six Bishops, six Earls, eleven Barons, "et cæteri Magnates ac Proceres in Parlamento existentes, (all Military Tenants) pro se et Communitate totius Regni quantum in ipsis est, Prælati, Comites, Barones et Proceres," grant for the Marriage of the

King's Daughter, 40^s. of each Fee, "pro hac vice." Writs, tested June 14, have commanded the Sheriffs to send from their counties two or three Knights, de discretioribus, et ad laborandum potentioribus, to be at Westminster, *Three weeks after St. John the Baptist*, with full powers for themselves and the community of the County, "ad consulendum et consentiendum his quæ Comites, Barones et Proceres, tum duxerint concordanda." (a)

(z) P. W. I. Plea Rolls 18 Edw. I. Rep. I. 198, where, are given several proceedings in this Parliament, most of which seem to have been of the nature of proceedings in a Court of Justice and before the King and his Council; but they are still styled Proceedings in Parliament. P. H. I. 82, and note r.

(a) A Writ tested 30 d. Jan. 1290, is issued to the Bailiffs et probi homines de Magna Jernemuth to send "aliquos de quibus confidunt ad proximum Parl. post Pascham ad proponendum quod viderint proponenda &c." P. W. I. 20. This "Parliament" in 15 days and 3 weeks after Easter is also proved by the Writ issued to the Archb. of York for his appearance there; and also from that to the B. of Cov. and Lichfield for one month after Easter. The subsequent Proceedings of this Parl. extend to Friday after 15 St. John, Baptist. That this is a continuation of the same Parliament, after Easter, appears from the Statute, "Quia Emptores," made by the King in his Parl. after Easter, a. n. 18, "that is to wit in the 15th St. John, the Baptist, at the instance "Magnatum regni sui." That the Parl. was sitting is proved from the Grant for the Marriage of the King's daughter made "in full Parliament" on the morrow of the Holy Trinity, a. n. 18, May 29, or, according to a writ 30 Edw. I. on the 1st of June. The Proceres in the Grant might be the Chancellor, Justices, and other Members of the Council, not being Barons, though, that the terms Magnates and Proceres were synonymous, appears by the Writ 7 Nov. 30 Edw. I., and more particularly from the Writ of Summons of June 14, 18 Edw. I. where the Proceres appear, though the Knights were not yet even summoned. The Statute "Quia Emptores" was probably the last Legislative Act of the Assembly, and may have waited for the concurrence of the Knights, and was probably the sole cause of their attendance Rep. I. 201-2.

The Writ to the Sheriffs declares that the King wishes to have a Colloquium on proceedings lately held by the Earls, Barons and other Proceres, as well with them as with others of the Counties &c. But these Knights were not to attend till the principal business had been transacted, and were then only to consult and agree to what the Nobles might determine. The discretion of electing Two, or Three, shews that the question was not to be decided by a plurality of Voices, as this difference might be very important. It shews, also, that the constitution of a Legislative Assembly was not then clearly established. Rep. I. 197. This Parl. of St. Hilary is mentioned by the contemporary Historian, Wikes, who omits that after Easter, and all notice of the writs for Knights. Rep. I. 204. Brady, on Boroughs, p. 56, says "the Bundle of Writs to the Sheriffs, 18 Edw. I. are the ancientest extant, or perhaps that ever were, except those of 49 H. 3." Five Counties return 3 Knights, all others, 2 each. He quotes the great Roll, 23 Edw. I. which states a 15th granted, 18 E. I. by the Archb., Bishops, Abbots, Priors, Earls, Barons, and all others, according to the style used in the reign of K. John and Hen. 3. before Knights were summoned. The Meetings at Clipston and Ashrugg, seem to have been adjournments of this Parl. P. Hist. I. 99 note. But in the Rolls, 18 and 19 Edw. I. they appear as distinct Parliaments.

Oct. 26. (*One Month after Michaelmas.*) A "Parliament" meets at Clypston.

The Council determines many pleas.

(*Christmas.*) A Parliament of "Proceres" is held at Westminster. 1290.
A. R. 19

Proceedings are taken against the Chief Justice, and several Judges, who are deprived of their offices for extortion, but redeem themselves by heavy fines. (*b*)

Jan 7. (*M. of Epiphany.*) A "Parliament" meets at "Ashrugg." 1291.
A. R. 19

Many Pleas are determined before the Council.

May 10. A great Assembly of Prelates, Earls, Barons, Knights, (Proceres, Magnates et Nobiles de regno Angliæ) and Populares of England and Scotland, meets at Norham.

The subject of debate is the succession to the Crown of Scotland. This meeting continues by adjournments to

June 2, and is again adjourned to 1292.

Oct. 14, (*Sixteen days after F. of St. Michael, and Morrow of Trans. St. Edwd. K. and Conf.*) at Berwick on Tweed. A. R. 20

An answer, "that the Right to the Succession was to be decided 'Sicut Comitatus, Baronibus et aliis Tenuris impartibilibus,'" is made by the Bishops, Prelates, Earls, Barons, "Proceres, Magnates et Nobiles, ac Auditores de utroque regno," and that if any doubt arose, the King was to make a new Law, "consilio Procerum et Magnatum suorum." (*c*)

Jan. 7. (*M. of Epiphany.*) A Parliament is held at London. 1292.
A. R. 20

Certain Statutes are made. (*d*)

Dec. 22. (*Monday before Natale Domini.*) A Parliament is held at Newcastle-upon-Tyne. 1292.
A. R. 21

April. (*de Termino Paschæ.*) A "Parliament" is held at London, in the Manor of the Archb. of York. 1293.
A. R. 21

A proceeding is taken against the Archbishop, and other Acts pass. (*e*)

(*b*) Wikes. Ann. Wav. Rep. I. 264-5. The P. Hist. I. 62, places these proceedings in the Parliament held Jan. 1290, though the reference is, 89, to Wikes, anno 1289, who makes the distinction. As the King returned, Aug. 1289, and it is known that his first Parl. was in Jan. 1290, this error is not easily explained. The Eds. of the Parl. Writs observe that great obscurity attends the history of the Parls. convened in the course of this year.

(*c*) From several entries in this Roll, it appears that the Justiciaries, Chancellor and other members of the Kings Ordinary Council were included in one or all of the words, "Proceres, Magnates, Nobiles." Rep. I. 296-7-8. These proceedings continued till the close of the year, 21, and occupied the King at Norham, Berwick, and Newcastle on Tyne. M. Westm. an. 1291.

(*d*) These Statutes are dated F. of St. Hilary and M. of Purif., an. 20. Rolls 20, Ed. I. Rep. I. 208.

(*e*) Placita, Rolls, 21, Ed. I. Rep. I. 208.

(*f*) Rolls, 21 Edw. I. Rep. I. 208.

July 8. (15 St. John B.) A Parliament is held at Canterbury. (*f*)

Sept. 30. (After F. of St. Michael.) A Parliament is held at London.

1294. *Jan. 20.* A Parliament meets.

A. R. *July 22. (One month of St. John B.)* A Parliament is held at Westminster.

Sixty Two Barons are, by name, summoned, "wherever the King might then be." (*g*)

Sept. 21. (F. of St. Matthew Apostle.) A Convocation of the Clergy is held at Westminster.

The Archb^{is} of York and Canterbury are, by writs, commanded to summon the Dean and Chapter of his Church, and the Archdeacon and Clergy of his Diocese, the Deans and Archdeacons in person, and the Clergy of the Diocese by two sufficient Procurators, to meet the King at Westminster on this day, to give their "concilium et auxilium." Tested by the King, at Portsmouth, 19 d. August. (*h*)

Nov. 12. (M. of St. Martin.) A Parliament of Earls, Barons, and "Proceres" or "Magnates" is held at Westminster.

To meet these, the Sheriffs of England are directed by writs, Oct. 8, to send two Knights from each County, "de discreci-oribus et ad laborandum potencioribus," with full power to consult and consent to those things which the Earls, Barons and Proceres ordain. By second writs, Oct. 9, the Sheriffs are commanded to send two other Knights, besides the last, "legales et ad laborandum potentes," to hear and do what shall then be more fully enjoined. (*i*)

1294. *Nov. 23. (Sunday M. of St. Edmund King.)* A Council, or Parliament, is held at Worcester.

The chief matter of debate is the Welsh rebellion. (*k*)

1295. *Aug. 1, ("or within three days afterwards.")* A Parliament is held at Westminster, to which are summoned (by writs, tested, 24 June) the Archbishops, Bishops,

(*g*) These writs, tested, Westm. June 8, for a "Colloquium et Tractatus," are probably for the Parl. at Whitsuntide, mentioned Parl. Hist. I, 97, from Rymer's Public Acts, II, 632 though the Convocation of the Clergy was a subsequent proceeding Rep. I, 293. The Placita mention proceedings in a Parl., at Westm., one month after St. John, perhaps that which is here noticed. Rep. I, 210. Writs of Military Summons were issued on the 14th June. Rolls, 22. Edw. I.

(*h*) Writs to the Archbp. of Y. state that the K. intends to be at Westm. on the F. of St. Matthew, Sept. 21, to confer and treat with the Prelates and Clergy, tested Portsmouth, 10th Aug. Parl. Writs, I, 19. The Editors remark in a note, that the Clause now used, appears to have furnished the precedent for the Clause to the same effect (of summoning the Clergy) in the Parl. Writs. Similar Writs, mutatis mutandis, are directed to 18 Bishops and 67 Abbots. Rep. III. App. I, 59. P. W. I.

(*i*) P. W. I. These Writs are inconsistent with any proceeding on record, prior or subsequent. The object may have been to induce the Military Tenants, who had not been disposed to perform the services against the K. of France, according to the requisition of the 14th June, to accede to the King's demands. Rep. I, 211.

(*k*) Writs of Milt. Array are also sent to numerous Earls, Barons, and Knights, to bring their service to Brecknock, Cardiff, &c. Rep. III. Ap. I, 61.

42 Abbots, 11 Priors, the Masters of the Orders of Sempringham, of the Temple, and of St. John of Jerusalem, 11 Earls and 53 Barons, the Justices of both Benches, and in Fyr, the Barons of the Exchequer and others of the Council, to treat and advise with the King. (1)

Aug. 16. (*Morrow of Assumption.*) A Parliament meets at Westminster.

An ordinance "de Prisonibus prisonam frangentibus" is made. (m)

November 13. (*Sunday after F. of St. Martin.*) A Parliament is summoned to Westminster, by writs tested, Wingham, 30 Sept., A. R. 23. 1295.
A. R.
23

The writ to the Archb. of Canterbury, is as follows "Sicut Lex justissima, provida circumspectione sacrorum principum stabilita, hortatur et statuit, ut quod omnes tangit, ab omnibus approbetur, sic et innuit evidenter, ut communibus periculis pro (per?) remedia provisa communiter obviatur. Sane satis noscitur, &c. Quia igitur, praevisa jacula minus laedunt, et res vestra maxime, sicut caeterorum regni ejusdem concivium, agitur in hac parte, vobis mandamus in fide et dilectione quibus nobis tenemini firmiter injungentes, quod die Dominica proxima post Festum Sⁱ Martini in hyeme, proximo futurum, apud Westm^m. personaliter intersitis. *Pramunientes* Priorem et Capitulum Ecclesiae vestrae, Archidiaconum, totumque Clerum vestr. Dioc^e. facientes quod iidem Prior et Archidiaconus in propriis personis suis, et dictum Capitulum per unum, idemque Clerus per Procuratores duos idoneos, plenam et sufficientem potestatem ab ipsis Capitulo et clero habentes, una vobiscum intersint, modis omnibus, tunc ibidem ad tractandum, ordinandum et faciendum, nobiscum et cum caeteris Praelatis et Proceribus, et *Aliis Incolis regni nostri*, qualiter sit hujusmodi periculis et excogitatis malitiis obviandum.

Writs, of the same date and form, are directed to the Bishops of Ely, Norwich, Winchester, Rochester, Durham and Carlisle.

Also, to the Archb. of York, the B^s. of London, Chichester, Oxford, Hereford, Salisbury, St. Asaphs, Bangor, St. Davids, Landaff, with this variation in the clause "*Pramunientes* Decanos et Capitula Ecclesiarum suarum, Archid^m. totumq. Clerum suarum Diocesum, facientesque quod iidem Decani et Archidiaconi, in propriis personis suis, et dicta Capitula per unum, idemq. Clerus per duos procuratores idoneos, &c., ut supra.

Also, to the Bishops of Bath and Wells, Coventry and Lichfield "*Pramunientes* Priorem et Capitulum Bathoniense et Decanum et Capitulum Wellense Eccles^m. suarum, necnon Archid. et Clerum" &c. And to the B. of Cov. and L. "*Pra-*

(1) P. W. I. It does not appear whether this Assembly met. It may have been prorogued to the 15th, when a Parl. was certainly held. There are no Writs for Knights, Citizens, or Burgesses. Rep. III. Ap. 1. 64.

(m) The Pleas of this Parl. are preserved. The Report supposes this to have been an "Ordinary Parliament," in which the K. assumed the power, with his Council, to make such a Statute as the Ordinance. For the purpose of an Aid, he summoned the Prelates, Earls, and Barons, and required the attendance of Knights of the Shires, and Citizens and Burgesses generally, or of his Demesnes. Rep. i. 217. Rolls, 23 Ed. 1.

munientes Priorem et Capitulum Covent., et Decan. et Capit. Lichf., &c."

Similar writs, without the clause, are issued to 67 Abbots (namely, the Abbt. of St. Augustines, Cant., 4 Exempt Abbots, 19 Premonstratensians, 43 Cistercians) and to the Master and Prior of the Order of Sempringham, the Prior of St. John of Jerusalem, and the Master of the Temple, in England.

Writs (tested, Canterbury, 1 d. Oct.) are issued to the E. of Pembroke, Seven other Earls, and Forty One Barons, for a "Colloquium et Tractatus" with them and the other "Proceres regni," et "ad tractandum, ordinandum et faciendum nobiscum et cum Prelatis et cæteris Proceribus, et aliis incolis regni nostri, &c."

Writs (tested Cant, 3. d. Oct.) are also issued to the Sheriffs of all Counties (except Chester and Durham) reciting, "Quia cum Comitibus, Baronibus, et cæteris Proceribus regni nostri, super remediis contra pericula, &c., Colloquium habere volumus et tractatum, &c., Tibi præcipimus, firmiter injungentes, quod de comitatu prædicto duos Milites, et de qualibet Civitate ejusd. Com., duos Cives, et de quolibet Burgo duos Burgenses, de discrecioribus et ad laborandum potencioribus sine dilatione eligi, et eos ad nos ad prædictum diem et locum, venire facias. Ita quod dicti Milites plenam et sufficientem potestatem pro se et Comm. Com. prædicti et dicti Cives et Burgenses pro se et Comm. Civit. et Burg. prædicti, divisim ab ipsis, tunc ibidem habeant ad faciendum quod tunc de commune consilio *ordinabitur*, in præmissis, ita quod pro defectu hujusmodi potestatis negotium prædictum infectum non remaneat quoquo modo. Et habeas ibi nomina Militum, Civium et Burgensium, et hoc Breve."

1995.
A. R.
24

This meeting was, by the King's Writs (tested Odymer, 2, d. Nov.) prorogued to Sunday next before F. of St. Andrew, Nov. 27.

The Clergy grant to the King a Tenth of their Ecclesiastical Revenues, for defence of the Kingdom. The Earls, Barons, Knights "et alii de regno," an Eleventh of all their moveables; and the Citizens, Burgesses, "et alii probi homines de Dominicis Civitatibus et Burgis," a Seventh of all their moveables. (n)

(n) P. W. I. Comparing those Writs of the 23d Ed. 1 to the Clergy and Laity, with the Writs issued in the 49th H. 3, and those of the 11, 18, 22d Edw. 1, it is manifest that they were not framed in conformity to those Precedents. Excepting those last mentioned, there is no evidence of the constitution of a Legislative Assembly for the purpose of granting extraordinary aids differently composed from that described in the Charter of John, whatever may have been the inducements to omit its particular stipulations in the subsequent Charters of Hen. 3. By the first Charter, it was necessary to summon all the Tenants in Chief of the Crown, or, at least, those holding by Military Service. If the Clause extended to all Tenants in Chief, the Citizens and Burgesses holding as immediate Tenants of the Crown, might be included, but till the present embarrassments of Edw., there appears no record after 49 H. 3, that elected Representatives of Counties, Cities, and Boroughs, particularly the two last, were considered necessary parts of the Legist. Assembly, though for an extraordinary aid, an assembly different from the "Curia Regis" was so considered. Rep. I, 218.

At that time the Clergy taxing themselves generally with respect to their Spiritual Property (held in free alms and called Spiritualities) distinctly from the Laity, the probable object of these Writs was the convention of two Legislative Assemblies for the purpose of obtaining aids, one consisting of the Superior Clergy and the Representatives of the inferior, the other of the superior Laity and the representatives of the inferior; the Prelates, as Barons, being also members of the latter and of the former, only in respect of their Spiritualities. Such separate Conventions of the Clergy for the same purpose, were continued long after (Rep. 214.) In proof of the correctness of this view, it may be seen in the Parl. Writs, that Nov. 9, 1258, the Prior and Chapter of Bath, appoint W. de Hampton, their Proxy to appear in the General Convocation at Westin. on Sunday after F. of St. Martin, Nov. 13, according to the Præmunientes Clause in the King's Writ. The Ed. of the Parl. Writs I, note

Aug. 24. A Parliament is held at Berwick-upon-Tweed. 1296.
A. R. 24

The Scottish Nobility take the oath of Fealty to the King. (o)

Nov. 3. (*Morrow of All Souls*.) A Parliament meets at St. Edmundsbury. 1296.
A. R. 24

Writs had been directed to the Prelates (with the *Premunientes* Clause) to the E. of Cornwall, and six other Earls, to 37 Barons, and to the Sheriffs, for the election of Knights, Citizens and Burgesses. The Citizens and Burgesses grant an Eighth, the Earls, Barons and Knights a Twelfth, of their moveables. The Clergy, in obedience to a Bull from the Pope, refuse to make any grant. The Archbishop of Canterbury declares that "*they are more under subjection to their Spiritual, than to their Temporal Lord.*" With the consent of the Earls, Barons and others, the King puts the Archbishop and Clergy out of his protection and defence. The Parliament continues to sit, though the Bishops are excluded. (p)

Jan. 2. (*Morrow of Circum^a*.) A Council, Parliament, or "*Colloquium*," is held before the King, "*where-ever he should be in England.*" 1297.
A. R. 25.

22 observes, "The Clause, usually called from its first word the '*Premunientes*' Clause continued without any material alteration until the accession of Edw. III, but it was not always inserted in the writs, and some Parliaments appear to have been held without the attendance of the inferior Clergy. The question whether they had a voice in Parliament is discussed by Hody (*Hist. of Convocations*), and Atterbury (*the Rights of our English Convocation*) with equal diligence and learning, though with very opposite views."

The Writ for a Council, 24 Nov., 1282, and again 19 Aug., 1294, seem to have been the precedents for this Clause. By it, a Representation for the Clergy was provided similar to that provided for the Laity. The latter consisting of the Lords Spir. and Temp., and the Reps. of Shires, Cities, and Boroughs, assumed a power to tax those whom they represented: the Spiritual Lords, their Lay Fees, the Temp. Lords, their Fees &c. The Cinque Ports, perhaps, as not liable to Tallage, were omitted from 49 H. 3, till the reign of Edw. 3. Rep. 1. 215, &c.

It may be observed, that only such Cities and Boroughs as were of the King's Demesnes, sent Representatives, and made the grant. Those Cities and Boroughs were liable to Tallage, and might, therefore, be required to pay a larger contribution than persons not so liable, and therefore might properly make a distinct grant, and of a greater tax. The "*alii de regno*" would include all represented by Earls, Barons, or Knights, these latter not properly representing any part of the King's Demesnes. Report 1. 217. After all, the Commons, thus introduced, however important for the purposes of making the required grants, held, at best, a very subordinate place in the Legislature, and it may be doubted whether any enactments, prepared by the King and his Magnates, were subject to their modifications, or whether any legislative measures proceeded from their authority.

Mat. Westm. speaks of this Parl. "in Vigilio S. Andrew, accersito Clero, Magnatibus et Populo."

(o) Knighton, inter X. Script. Col. 2482, is the authority for this Parliament, which is stated to have been very numerously attended. Upon this occasion, Aug. 26, the King issues his Writs for the ensuing Parl.

(p) F. W. I. Knighton, 2492, gives an account of these proceedings. On the 12th of Feb. following, Edward issued Writs to all the Sheriffs to take into the King's hands all the Lay Fees of all the Clergy. Some Boroughs of their Demesnes thus came into the King's hands, and were, probably on this account, required to send Burgesses to the next Parliament.

Among the Parl. Writs, is a Record, dated 1296, 26 Sept., of the election of Two Citizens to appear for the City of London, in the Parl. at Bury St. Edmunds. The election is by the Aldermen and four of every Ward, who grant 20s. per diem to the Citizens elected, for their expense in going to and returning from the Parl. A second, or confirmatory election of the same, is made, Oct. 8, in presence of the Custos and Aldermen, by six of the best and most discreet persons of every ward. There is, also, "a Procurator," dated 19 Oct., granted by the Prior and Chapter of Christ Church, Canterbury, appointing two Proxies to appear, and "ordain" on their behalf, together with the Prelates and other Procurators of the Clergy of the Prov. of Cant. at this Parl.; also, the record of the election of Four Citizens, "elected" to go to the same.

Writs are directed to the City of London for 4 Citizens, and to 19 other Cities and Towns for Citizens and Burgesses. The subject of consideration is the town of Berwick upon Tweed. (q)

1297. *Feb. 24. (Sunday F. of Matthias Ap.)* A Parliament
A. N. 25 of "Magnates and Proceres" is held at Salisbury.

Writs are issued to the E. of Cornwall, and five other Earls, to 75 Barons, to 9 Knights, (including the Chief Justice,) and 4 others of the Council. No Prelates, Knights, Citizens or Burgesses are summoned. The King endeavours to charge the People with an extraordinary aid, and to compel all persons who held land of the value of £20 a year, whether their Tenure was of the King in chief, or immediately of others, to attend his Expedition in Flanders; a grant is made in consideration of his promising to confirm the Charters, but the Proceeding is afterwards held illegal, as not effected by competent authority. (r)

Sept. 30. (Morrow of St. Michael.) A Parliament "Colloquium et Tractatus," is held at London by the Regent.

Writs, issued in the King's name, summon the Archb. of Cant. (without the clause) 6 Bishops, 17 Abbots, 5 Priors, Master of the Temple, 2 Earls, 8 Barons, to meet the King's Council, on this day. Subsequent writs, command the Sheriffs to cause to be elected Two Knights for each County, with sufficient power, to attend on the *Octs. St. Michael*, (Oct. 6) "recepturi et facturi ulterius quod per dictum Filium, et Concilium nostrum, ibidem fuerit ordinatum."

The Charter of 9 Henry 3, "the great Charter of Liberties," is confirmed by the Prince for the King; "innovata et confirmata." Additional Articles are made, particularly the Statute "de Talliagio non concedendo," which, among other provisions, declares that no manner of Tax or Aid, except the ancient Aids and Prises due and accustomed, shall either be imposed or gathered by us, or our Heirs, for the future, without the common consent and free will of the Archb. Bish. and other Prelates, the Earls, Barons, Knights, Burgesses and other Freemen of this Realm, &c. These are afterwards confirmed by the King, and the confirmation is received by the Knights sum-

(q) These Writs, &c., are among the Parliamentary Writs. Other Writs of distress for compelling the attendance of certain Citizens and Burgesses at B. up. T., in days of Easter, (April 21) are tested, Harwich, 11 Jan. Tyrrel says the Parl. of Nov. 3 was adjourned to the Morrow of St. Hilary, when the Clergy were required to meet the King, and the Archb. of Canterbury makes his declaration. This he calls only a Great Council of Bishops, Earls, and Barons, to which no Commons were summoned. Vol. 2. p. 200.

(r) The Ed. of the Parl. Writs, I. p. 28, says, "In consequence of the contumacy of the Clergy, none were summoned to this Parl. When the Clergy re-assembled, pursuant to the adjournment of the Parl. of Bury, they deliberated on the King's commands. They were divided into four Houses: (1) Bishops and their Proxies; (2) Deans of Cathedrals and Archds.; (3) Abbots and other heads of the regular Clergy; (4) Procurators of the Parochial Clergy. After many discussions, it was determined that no grant could be made. The Archb. of Canterbury declared the resolution of Convocation to the King's Commissioners. The King, extremely indignant, put the whole body of the Clergy out of his protection, ordering their lands to be seized. Their opposition was thus much broken, and almost all made "Fine" with the King.

There is no evidence that the grant was made by a Legislative Assembly, and it seems that the manner of levying it was ordained by the King and his Council. The Patent Roll, A. N. 25, recites the nature of the grant. (Rep. I. 220-221.) Great disturbances arise in consequence of these attempts of the King, who, though he can obtain no money, sails for France, Aug. 22, leaving his son his Lieutenant in England.

moned for that purpose. The Archb., Bish., Abbots, Priors, Earls, Barons, Knights et "alii de regno, extra Civitates, Burgo et Dominica," grant the King a Ninth of their Moveables, The City of London afterwards, makes the same grant. (s)

March 30. (Palm Sunday.) A Council is held at Westminster. 1298.
A. R.
26

The Bishops of Ely and London, and 21 of the Council are summoned. (t)

April 6. (Easter.) A Parliament meets at London.

Certain Ordinances are made. (u)

May 25. (Whitsunday.) A Parliament assembles at York.

Writs appear to the E. of Surry, who is to bring with him such of the Barons in his service as he thinks fit; to 5 other Earls, "cum pauciori gente qua poteritis," and to the Sheriff, commanding the Election of Two Knights for every Shire and Two Citizens and Burgesses from every City and Borough, with

(s) P. W. I. No writs appear for the Election of Knights, Citizens, or Burgesses. Probably this was only a Conference with the Prince, and King's Council, in his ordinary Parliament, on the disturbed state of the Country. The Writs are tested, Sept. 9. By the Writs of Sept. 13, the Knights are not summoned to deliberate, but only to receive the King's Charters, and Letters Patent, and do what the Prince and Council ordain. Thus, even in 26th Edw. I, the Constitution of the Leg. Assembly was not definitively settled, or was not considered by the King a legal establishment. (Rep. 224.) Several Writs, of previous dates, appear in the Collections, but are chiefly for Military Service, or for attendance at Councils. By Writ, 20 Aug.; 170 Persons are commanded to appear "in fide et dilectione," at Rochester, on Sunday, Nat. of Virgin (Sep. 27) with horses and arms, to hold a "Colloquium" with the Prince; 61 other persons are summoned, by Writs of 28 Aug., 3 Sept. 3 and 9, to the Bishops and others; also, 9 Sept., to the Earl of Arundel and others, to hold a "Colloquium" with the King's son, on Sunday before the F. of St. Michael. A Convocation of the Clergy of the Prov. of Cant., is also held at the New Temple, on the F. of St. Lawrence (Aug. 10,) by summons from the Archb. to the B. of London, concerning the Confirmation of the Charters. The form of Taxation of the Clergy is also published by the K. and Council; "as the Clergy must not assist in the defence of the Kingdom by deeds of arms, it is ordered that one third part of their Temporal goods shall be levied for the necessary Enterprise." No Levy to be made from Tythes, Ecclesiastical dues, nor from goods purely Spiritual, nor from Clerks, whose benefices do not exceed five marks. This may have reference to a writ of 15 May, requiring their military service. The B. of Durham, and 14 other Bps., are required to attend the muster at London, 8ves St. J. Bapt. with horses and arms and some of their men.

In the above Writs, the word "Colloquium" is used, which was equally applied to Parliament and Council.

From the Charter of Edw. I (tested by the King's son, Westm. 12 Oct. A. n. 25) the Charter of 9 Hen. 3, has been commonly taken, but it has some variations. (Rep. 225.) From the tenor of many Instruments, it seems clear that the Charter 9 Hen. 3, and not that of John, was esteemed the great Charter binding the King and the People. Edw. I. alludes only to that of his father (Rep. 228). The whole of this proceeding seems rather a compromise between the King and the People, than a legal constitutional act. (R. 227.) No trace is to be found of any Law expressly authorizing the constitution of any Legislative Assembly for any purpose, except the partial provisions in the Chart. of John, probably never acted upon, and certainly, as a special statutory provision, afterwards abandoned. The constitution of the Leg. Assembly must be considered as resting in usage, as declared by Statute in 15 Edw. 2, and such usage can only be clearly evidenced by the practice since 23 Edw. 1. But, from the proceedings 23, 24, 25, Edw. 1, it is evident, that though a right to resist arbitrary taxation was insisted on, and some legal form was considered necessary, such form was not settled by law. Even the present grant was not by Citizens and Burgesses. The Convention of a regular Assembly in Parl. whenever the Crown wanted aid from the People, henceforth became a necessary measure, and to which the resort became frequent in consequence of the increasing necessities for extraordinary aids. (Rep. 231-2)

(t) By a Writ, tested 3 d. Jan., addressed to Rob. de Burghesshe, Warden of the Cinque Ports, he is commanded to send Two, "de melioribus et discretioribus," of each Port, to meet the Bish. of Cox. and Lychfield, and others of the Council, at Westm., on the 8ves of St. Hilary next. This was on the special business of providing ships for a conveyance to Flanders.

(u) See Rep. i. p. 235. Rolls, 26 Edw. 1.

full power to meet the King, Earls, Barons, et "cæteros Proceres regni," and to do what "de Communi Concilio ordinabitur."

A fresh Confirmation of the Charters is obtained, the last having been issued by the King in a foreign country.

The Scotch Lords were summoned, but disregard the summons. (v)

Sept. 15. (Oct. Nat. of Virgin.) A Parliament, or Assembly of Military Tenants, is held at Carlisle.

The King makes grants of Lands in Scotland, to his Lieges. (w)

1298. Dec. 17. (Wedn. after F. of St. Lucy Virgin, Dec. 13.)
A. R. 27 A Council is held at York.

Twenty individuals are summoned. (x)

1299. March 8. (First Sunday in Lent.) A Parliament of
A. R. 27 the Prelates and "Proceres" meets at London.

Writs are directed to the Archb. and 18 Bishops (without the Clause), to 35 Abbots, to five Priors, Edmund, E. of Cornwall, and 10 other Earls, to 78 Barons, and 21 of the Council.

The statute "De Finibus levatis" is made. (y)

May 3. (15 of Easter.) A Parliament is held at Westminster.

Writs are issued to the Archb. of Cant., and 16 Bishops (without the Clause), to 26 Abbots, the E. of Cornwall, 10 Earls, and 46 Barons and Knights.

The Statute "de falsâ monetâ" is made. (z)

Oct. 18. (F. of St. Luke Ev.) A Parliament, or Council, meets at the New Temple, London.

To this are summoned, besides other "Fideles," the Archb. of Canterbury, five Bishops, four Earls, and five others of the Council. (a)

(v) P. W. I. In consequence of the Refusal of the Scottish Nobles, the King issues his Commission of Array. Musters are ordered at Roxburgh, &c., and after the Battle of Falkirk, at Carlisle. For the Parl., 25 May, no Writs for the Clergy are on record.

(w) P. W. I.

(x) App. I. Rep. III. p. 101.

(y) P. W. I. No Knights, Citizens or Burgesses, or inferior Clergy, are summoned. It appears that it was not thought necessary to the validity of a Law, imposing no direct charge upon the subject that such Representatives should be members of the Assembly. From the Charter of John, to the Statute of Tallage, all the Provisions in restraint of the power of the Crown, are confined to the imposition of such charges, the great object of jealousy. The necessity for obtaining money by general charges on the subject, produced, it is probable, the representative system, and finally led to the establishment of the H. of Commons as a necessary part of the Legislature, for all purposes. (Rep. I. 236.)

It may, however, be added that the Parliamentary Writs contain a memorandum of the Election of Four Citizens of London for the Parl. sitting and begun at Westminster on the first Monday in Lent, 9 March. This, perhaps, shews that we cannot always conclude as to the absence of any members, from the absence of Writs of Summons.

(z) P. W. I. This Parliament again appears to have had no Knights, Citizens or Burgesses or inferior Clergy. The Knights included with the Barons, were evidently not for the Shires. It is to be remarked that the Summons were quite at the discretion of the King, who, on the last occasion, called 39 Abbots. His own convenience seems to have been the only rule. (See Rep. I. 236.)

(a) P. W. I. This was probably only one of the King's Ordinary Parliaments, a Court of Justice and Council, but the Writs are "de Parlamento tenendo," and it is evident that all the meetings of the Council, acting only as a Court of Justice, were then usually termed Parliaments. (Rep. I. 237.) The Parl. Hist. I. 111, says, that the Parl. at Lent, 1299, met, according to Stowe, at Stebenheath (Stepney). Letters, dated Stepney, 7 d. May, A. R. 27, allude to certain matters, as "a cel jour assentu," by the Archb. of C., Bishops, Earls, Barons, and others of the Council. (R. App. I. 196.)

March 6. (Second Sunday in Lent.) A Parliament of Prelates, Magnates and Proceres is held at London. 1300.
A. R.
28

Writs are issued to the Archb. of Canterbury and to the Chapter of York, Keeper of the Spiritualities of the Vacant See, to send a sufficient Proctor with full power, to 17 Bishops, and the Keeper of the Bishopric of Lincoln, then vacant (with the Clause) to 72 Abbots, to the Masters of Sempringham and of the Temple, and to the Prior of St. John of Jerusalem. To the Earl of Cornwall, 99 Barons, to the Chancellor of the Exchequer, and 37 of the Council. To all the Sheriffs, for the election of Two Knights, Two Citizens and Burgesses to have full power, to do "quod tunc de communi consilio ordinabitur."

The judgments and orders on the matters which come before the Parliament are given by the Council.

The "Articuli Super Chartas"—the "Statutum de Appellatis," are confirmed, and made. In the former, an additional provision is granted to the People, "That they should have the Election of the Sheriff of every Shire where the Shrivality was not in Fee. (b)

May 20. (Morrow of Ascension.) A Council is held at York.

Writs are issued to the Sheriffs, Coroners and Community of all the Counties, to send Three Knights, or others, of the most honest, lawful and discreet Freemen (Liberi homines), to be elected by the assent of the County, to do and perform what shall be enjoined them by the King, towards the observance of the Charters. (c)

July 1. A Parliament, or Council, is held, of the Bishops, Knights, Barons and other Nobles of the Kingdom, at Carlisle. (d)

Jan. 20. (Octaves of St. Hilary.) A Parliament meets at Lincoln. 1301.
A. R.
29

Writs are directed to the Archb. 18 Bishops (all, except Winchester) 80 Abbots, the Masters of Sempringham, the Temple, and the Prior of St. John of Jerusalem, 10 Earls, 80 Barons and Knights, and to the Sheriffs of England, of 23 Counties hav-

The P. H. I. 113, speaks of another Parl. held at York, at Martinmas (Nov. 11 ?) of this year, but gives no authority.

(b) P. W. I. This Assembly was probably convened to obtain an aid for some special purpose. It was a full Parl. capable of granting such an aid, though none appears to have been granted, or required. (R. I. 237.) The Statutes and Charters of the Parliament are tested at Westminster. The Report (p. 238) says "The Parl. assembled at London, may have attended the King in his palace at Westminster, where his Council met, and where the business was probably transacted. From the Writ to the Archb. of Canterbury, 26 Sept. a. n. 28, reciting the confirmation of the Charters in this Parliament, it might be supposed, that only the King, Prelates, Earls, and Barons, or Magnates attended; as it is stated, that the King meant to proceed by their advice. (R. I. 238-9). The King's Ministers and Council were ex officio, and not by Election, Members of the Parliaments. Rolls, 28, Edw. I. Among the Parl. Writs, is a memorandum, 1300, London, 3 d. Feb. of the Election of Four Citizens to serve in Parl., by the Mayor, Aldermen, and Six of the best and most discreet men of each Ward." No Parl., to which they can have been summoned, is on record. On the 20th March, Writs are addressed to the Sheriffs of Somerset and all other Counties, "de Expensis" for the Knights returned March 6. Also for the Citizens and Burgesses, addressed to the Mayors and Bailiffs, or Bailiffs respectively.

(c) P. W. I.

(d) P. W. I.

ing Forests, the rest without, for the Election of Two Knights from every County, (except Chester and Durham), *requiring those who had appeared for the Shire in the last Parlt.*, and for the election, from every City and Borough, *of the same Citizens and Burgesses*, as appeared in the last Parliament; if any are dead or disabled by infirmity, others are to be elected in their stead—the said Knights, &c., to have their expenses in coming to, staying at, and returning from the Parliament. The King wishes to have a "Colloquium" with the above, and with others of the Community of the Kingdom, respecting the Perambulations of the Forests, and on other arduous affairs. Writs are also issued to Two Justices of the Forests, N. and S. of Trent; to 16 Magistri, learned in the Law; to 22 of the Council; to the Chancellor of the University of Oxford, for 4 or 5 of the most discreet persons best versed in the written Law. To the Chancellor of the University of Cambridge, for 2 or 3. With the Magistri, the King wishes to have a special Colloquium and discussion, and with others of his Council, on the rights and dominion appertaining to him in the Kingdom of Scotland.

The King again confirms the Charters of Liberties, and the Assembly then grant him a Fifteenth, though the Clergy still refuse to be taxed without a Special Licence from the Pope.

An Ordinance is made, "*Statutum de Escavtoribus*."

A Letter is addressed by the Earls and Barons, the whole Barons of England, in number 104, to the Pope denying his claim to the Kingdom of Scotland, as a Fief of the Holy See. (e)

1302. *March 18. (Second Sunday in Lent.)* A Council, or
A. R. Parliament, is held at London. (f)
30

(e) P. W. I. These Writs are tested Rose Castle, 26 Sept. A. D. 28 (1300). It may be a question when the Parlt. was held, to which a reference is here made. That at Carlisle, of which we have no records, may have been intended. The Writ to the Archb. of Canterbury recites, that for the observance of the Charter of the Forests, the King had assigned persons to make the perambulation, and that returns had been made to him, but because the Prelates, Earls, Barons and other Magnates, by whose advice he meant to proceed, were not then present, he desired to have a conference &c. This Parlt. met on Special business. It may be inferred from the particular directions given with regard to Knights and others, that, on common occasions, the same members were not returned for successive Parliaments, and that a new Election generally took place. The good sense of the King or his advisers seems to have discovered, that such a change was not always the best means of carrying into effect important measures, and that a practical knowledge and experience in affairs were often requisite and could not be possessed by novices and strangers. A ground for such frequent changes was, however, to be found in the difficulty of procuring the attendance of the inferior orders of the Legislature, who were averse to the trouble and inconvenience, whatever might be their opinion as to the honor conferred by their election. That the Knights, and others, were present in this Parlt., is proved by a Writ for their expenses dated 30 Jan. (see Parlt. Writs, and Prynn IV, p. 16.) It does not appear that any thing was done with respect to the Forests.

Writs of the same date (26 Sept.) were issued to the Abbt. and Convent of Westminster, to make a diligent search in their Chronicles and Archives for whatever may relate to the Kingdom of Scotland; and similar Writs are addressed to the Abbots of the principal religious Houses, Deans and Chapters of the Conventual Cathedrals, &c.

The Writs of expenses are dated Jan. 20, but the Letter to the Pope, and other Acts, are dated Feb. 12, &c., whence it appears, that the Nobility continued to sit long after the Commons were dismissed.

The Charters, sealed with the King's Seal, are afterwards carried into every county, and read before the people. Sentence of Excommunication is proclaimed against the violators of them.

The Parlt. H. I. 119, says, "In this Parlt., the King created his eldest son, Prince of Wales and Earl of Chester. A Writ of 1 March, App. I. 129, calls him P. of Wales. The Parlt. Writs, I. p. 43, note, state that "Walsingham speaks of a Parlt. at Stamford, held about Lent, although the account is followed by a distinct narrative of the Parlt. at Lincoln." Tyrol, Vol. III, p. 149, alludes also to a Council or Parlt. held at the same place and time, apparently in the following year, 1302, when complaints were made, that the Forest Laws were not yet put in execution. P. H. I. 125. Were the two last the same Parliaments? Rolls, 29 Edw. I.

(f) The Parlt. Writs, I. 53, give a Summons to Magr. Rob. de Pi. kering, to attend

July 1. (Oct. St. John Bapt.) A Parliament is held at Westminster.

Writs are issued to the Archb. (the Archb. of York to appear personally or by a sufficient Procurator,) to 16 Bishops (without the Clause) to 44 Abbots, the Masters of the 3 Orders; also, to Edw., P. of Wales and E. of Chester, to 9 Earls and 82 Barons, to 17 of the Council and 17 Magistri. (*g*)

Sept. 29. (F. of St. Michael.) A Parliament is summoned to London.

Writs are addressed to the Archb. of Cant. (without the Clause), to the Archb. of York, to appear in person, or by a sufficient Proctor, to 15 Bishops, 44 Abbots, the Masters of the three Orders, 9 Earls, 82 Barons, to all the Sheriffs, commanding, that, as by consent of his "Magnates," the King had ordered a Parliament to be held &c., Two Knights shall be elected from every Shire, and Two Citizens and Burgesses from every City and Borough, with full power to do "quod tunc de communi Consilio ordinabitur." Writs are also addressed to the Barons, Probi Homines and Community of the Cinque Ports, to send, from each Port, three or four of the most honest and discreet men, to hear the King's decision and will, respecting their contentions and discords, and farther to do what shall be ordained.

This Parliament, by writs of 13 Sept., is prorogued to

Oct. 14. (Morrow of St. Edward.) (*h*)

Jan. 6. (Sunday in F. of Epiphany.) A Council, 1303.
("Colloquium et Tractatus") is held at Odyham. (*i*) A. R. 31

Feb. 16. (Tuesday in 15 days of the Purifⁿ.) A 1305.
Parliament is summoned to Westminster. A. R. 33

Writs are issued to the Archb. of Cant., the Dean and Chapter of St. Peters, York, Keeper of the Spiritualities of the vacant

before the Chancellor on arduous affairs. This cannot have been Tyrrel's Parliament at Stamford?

(*g*) P. W. I. This, in the Record, is called "a Full Parliament;" but there are no Writs for Knights, Citizens, or Burgesses, or inferior Clergy. The Writs issued, June 2, speak of Westminster as the place of meeting, but subsequent Writs, of 24 July, call it London. A Parliament summoned for London or Westminster might be styled, indifferently, as held at either. (Rep. I. 242.) It appears that Edward did not now hold his Parliaments regularly four times in the year, as in the early part of his reign, probably in consequence of the distraction of his affairs.

On the 13th June, Writs are directed to the Sheriffs of Warwick and York, to proclaim that no Tournaments, or Justs, should be held, or "Adventures sought," until the conclusion of Parliament. Rolls, 30, Edw. I.

(*h*) P. W. I. Rep. App. III. 146, &c. The Writs say *in Festo St. Michaelis*; but the Placita say, "a die St. Ms. in 15 days, A. N. 30, which is the Morrow of St. Edward. The Rolls also say 15 of St. Mich. A. N. 30. The Writ to the Archb. of Canterbury says, it was ordained "in the last Parliament," that another should be held. This proves that the meeting of July 1, though without Knights, Citizens, or Burgesses, was so considered. The "Assensus Magnatum" appears by the Writs to the Sheriffs, to have been also held necessary for such a purpose.

The Writs of Prorogation are to all the parties already specified. The Sheriffs are again enjoined to cause to be elected two Knights, &c. The Commons were detained at this Parliament a very short time, as the Writs "de Expensis" for Knights, are dated Oct. 21.

There is no Statute, or appearance of business transacted in this Parliament. (Rep. I. 242.)

The Parl. Hist. I. 125-6 alludes to a great Council held at Stamford in Mid-Lent on the authority of Tyrrel, and the Annotator on Rapin.

(*i*) A Writ, also tested Jan. 28, requires the Archb. of Dublin "in fide et dilectione," to come in person to the King as soon as he can, or at least to the next Parliament on important affairs. P. W. I. Rep. App. III. 155-6.

See, and to all the Bishops, with the *Præm.* Clause, to 75 Abbots, and the 3 Masters, to the Prince of Wales and E. of Chester, to 8 Earls, 94 Barons, to 34 Justices and others of the Council, and to all the Sheriffs, to elect Knights, Citizens and Burgesses.

By other writs (22 d. Jan.) this Parliament is prorogued to *Feb. 28. (Sunday after F. of St. Matthias Ap.)*

On this day, the King appoints Four Individuals to receive all Petitions presented in the Parliament, and proclamation is made, that all such should be delivered to the Receivers, on or before the First Sunday in Lent, March 7. Receivers are also appointed for Scotland, Gascony, Ireland and Guernsey.

The Ordinances for Inquests and for the Forest are made.

An Ordinance is made "at Lent," "That the Community of the Land of Scotland should assemble at Perth, on the Morrow of the Ascension, (May 28) to elect those who should come to the King's Parliament at London, in 3 weeks after St. John Bapt. (15 July) for the whole Community of Scotland, ten to be elected at their Assembly, namely, 2 Bishops, 2 Abbots, 2 Earls, 2 Barons, and 2 for the "Commune," one from this side the Forth, and one from beyond the Forth, "et etiam ad ordinandum de certa et secunda custodia dictæ terræ, &c." The Persons so elected to have their costs and expenses levied upon the said Communities."

Proceedings are, also, taken against Nicholas de Segrave, a Baron, high in confidence and having the command in Scotland, and judgment is given against him, before the King, Earls, Barons, Magnates and others of the Council.

On the 21st March, a Proclamation is made, by the King's command, to all the Members of the Parliament, Archb., Bish., and other Prelates, Earls, Barons, Knights, Citizens, Burgesses, and others of the Commons who had come to this Parliament by summons of the King, thanking them for their attendance and willing, as they desired, that they should then return to their Counties, so that *they should come again* precisely and without delay, at such time, as they should be again remanded, except the Bishops, Earls and Barons, the Justices and others of the Council, who should not depart without special leave of the King, and those who had business should remain to follow their business; and the Knights who were come from the Counties and others from the Cities and Boroughs, should apply to Sir Johan de Kirby for writs for their Expences, and he should give their names to the Chancellor." (k)

(k) P. W. I. The Writs for this Parliament are tested 12 Nov. A. n. 32. The King's absence and the war in Scotland seem long to have interrupted all Parliamentary proceedings. Much business was done in this Parliament, and the proceedings are more regularly entered on the Rolls than those in former Parliaments. (Rep. I. 244-5.)

In the Parl. Writs, is a Letter, dated Walsingham, 2 Feb., in which the Sheriffs of Surrey, Sussex, Kent and London, are commanded to make purveyance of Provisions required by the Court during the Sitting of this Parliament. Sussex and Surrey are to furnish 200 qrs. of Wheat and 30 barrels of Ale, Kent 200 qrs. of Wheat, London 80 barrels of Ale. The Parl. H., I. p. 126-7, gives, from Ryley, a detailed account of the "primary ceremonials" of this Parliament. It does not altogether appear that these *Receivers* were then for the first time appointed. The Report, p. 245, says those Petitions having no relation to Legislative proceedings, were commonly dispatched in Parliament by the Chancellor, Judges and other members of the K. Council, without any interference of the Lords and Commons of the Parliament.

A petition presented in this Parliament by the Prelates, Nobles and other "probi homines" for power to talliage the ancient Demesnes which they hold, as the King talliages his Demesnes, is granted, Rolls 33 Edw. I. A Writ to the Sheriff of North-

July 15. (3 weeks aft. St. John B.) A Parliament is summoned to London on the affairs of Scotland.

It is prorogued to the 15th August, (F. of Assumption); and finally, to

Sept. 15. (Oct. of the Nativ. of the Virgin.)

The Ten elected for Scotland attend the meeting. To treat with these Commissioners, two Bishops, two Abbots, two Earls and 15 others (Barons, Judges and others of inferior degree) are appointed, and several Articles are agreed upon for the government of Scotland.

The "Ordinatio de Conspiratoribus" is made.

Four Receivers of Petitions had been appointed, Sept. 4. (f)

May 30. (Morrow of Holy Trinity.) A Parliament is held at Westminster. 1306.
A. D.
34

Writs are issued to the Archb. of York, 14 Bishops (without the Clause) 15 Abbots, 4 *Abbeses*, (the Clergy by themselves or by sufficient Proctors or Attorneys) seven Earls, 63 Barons, (all to appear personally, or by sufficient Attorneys); to all the Sheriffs to send Two Knights, Two Citizens, and Two Burgesses, or only one, as the Borough may be larger or smaller.

The Sheriffs are also thus directed, "Scire etiam facias Archiepiscopis, Episcopis, Abbatibus, Prioribus et aliis viris religiosi per totam Ballivam tuam, quod per se, vel sufficientes Procuratores seu Attornatos suos tunc sint ibidem," &c.

The King having ordained that Edward, his eldest son, shall be decorated with the Belt of Knighthood, at the Feast of Pentecost, (May 22) requires the Parliament to treat of an Aid on this occasion, which is the Prerogative of his Crown

The Archb. Bishops, Earls, Barons and Communitates of the Counties grant the King a Thirtieth, the Citizens and Burgesses and Communities of Cities and Boroughs grant a Twentieth, and the King for himself and Heirs grants that the gratuitous Concessions so made shall not be prejudicial, &c., and shall not be drawn into a Custom. (m)

ampton commands him to take Four Knights, and in their presence, order Nicolas de Segrave to attend the next Parliament at Westminster.

It appears, that the Commons sat three weeks. The Ordinances were probably made after their dismissal: that relating to Scotland bearing date March 25, and the proceedings against Segrave, not being included in their functions.

The original Writs de Expensis, are dated March 20, though their formal dismissal is not till the following day. The form of returning thanks may have been usual, but there is no previous record of such a proceeding.

(l) P. W. L. It does not appear that the Knights, Citizens and Burgesses of March 21, were re-assembled, though they had been, in some measure, prepared for such a call. From the King's Proclamation, March 21, it appears that the same Individuals might possibly be remanded. The Scotch Commissioners, it is evident, were not present as regular Members of the Assembly.

(m) The Ed. of the Parl. Writs observes (I. 72, Note) "This Parliament, in some respects an anomalous Assembly, seems to have acted with the usual constitutional power." Its duration can have been but one day, as the writs de Expensis are tested 30 May, six days after the Ceremony took place. The writs for this meeting are April 5, and on the 6th, writs are directed to the Sheriffs for a Proclamation to all such as wish to be made Knights and are not, to repair to London to receive the "Apparatus" required in such case, and which will be delivered to them "by the King's gift," from his Wardrobe, that they may take the Order of Knighthood on the same day.

Two Statutes, that "of Joint Tenants" and "an Ordinance of the Forest," in the form of Charters, appear in the Statute Roll as made in the 34 Edw. I. The first is tested Westm. 27 d. May. These may have been made in the King's ordinary Parliament. (Rep. 247.)

The aid demanded by the King was due from every Knight's Fee held in Chief of

1307. *Jan. 20. (Oct. St. Hilary.)* A Parliament, on the
 A. R. 35 affairs of Scotland, and other business, meets at Carlisle.

Writs are issued to the Archb. of York, 18 Bishops (with the Clause) 48 Abbots, to Edw. P. of Wales and E. of Chester, 11 Earls, 86 Barons and 15 of the K. Council. To all the Sheriffs, for Knights, Citizens and Burgesses, with full power to do what shall then be ordained.

The B. of Cov. and Lychfield, the King's Treasurer, and H. de Lacy, E. of Lincoln, are appointed, by Letters Patent, Commissioners to open the Parliament.

Many Members being not yet arrived, the Parliament is adjourned from Friday to the following Wednesday, (25) at one o'clock. The superior Clergy, Bishops, Abbots, Priors, Deans, Archdeacons, the Clergy and Chapters of the different Dioceses send their Proxies, all being inferior Clergymen, except one. The Abbot of Waltham first appears personally, and afterwards appoints a Procurator. Many Abbots, not summoned, send Procurators. The Abbot of Combe, not summoned, did not send a Proxy, but by Letters Patent, promises, "se ratum et gratum habiturum quicquid, in dicto Parlamento, Rex decreverit salubriter ordinandum." The Proxies are deputed to treat with the Prelates, "Magnates and Proceres."

The Statute of Carlisle, prohibiting the payment of any Tax imposed by the Superiors of their respective Houses, on any Abbot, Prior, &c., is published, "de consilio Magnatum et Procerum," after full debate, "Comitibus, Baronibus, Proceribus, et aliis Nobilibus ac Communitatibus, regni."

Petitions are presented from all the Orders, complaining of the Papal oppressions and exactions, and a Letter of Complaint is written to the Pope in the name of the Clergy and People. (n)

the King. To summon all was impossible. It had been long before the practice to summon only some of the principal Tenants, who made the bargain for the whole. (248 and note 56.) It may have been to supply the defect in the summons of all who held Knights Fees, and perhaps to obtain a larger grant by including others, that writs were sent to the Sheriffs for Knights, &c. The including of the Prelates, had been before practised in requiring their military service, and though some special writs were sent, there must have been many holding by Knight's service to whom such were not directed. It was an extraordinary proceeding, devised for obtaining an extraordinary grant, to a greater amount than could have been obtained by an assessment only of each Knight's Fee, and was a departure from the custom of Aids by Tenure, and from the established law. The Assembly seems to have acted as the Lords and Commons in Parliament might have done, and instead of an aid as due by tenure, granted a general aid. The Cities and Boroughs and the rest of the Kingdom were not bound to such an aid. Edward had on other occasions attempted to disregard distinctions of Tenure, and in this attempt seems to have been successful. (248-9.) Those from whom the aid was due by tenure, may have been disposed to lighten their own burden, by giving more in form of a general grant. Such irregular proceedings shew that the summons to Parliament of Representatives of Counties, Cities and Boroughs had the effect of confounding aids by tenure with voluntary aids, that the obligations and consequences of the Feudal Tenures were rapidly falling into disuse, and that general aids, chargeable on the whole population, being more profitable to the crown, and less burthensome to its immediate Tenants, were now easily obtained by grants in Parliament sanctioned by an Assembly in which the immediate Tenants must still have had the greatest influence. The King's Demesnes, exclusive of Cities and Boroughs, are not mentioned in the Letters Patent. They were still liable to Tallage. It seems extraordinary that these Tenants should have concurred in the grant, though they made no part of the Assembly by themselves or their Representatives. Gradually, the Knights of the Shires assumed to be the Representatives of such Tenants as were not represented by the Citizens and Burgesses elected by the Demesne Cities and Boroughs, and it was always the policy of Edward to put an end to distinctions of Tenures, and to render all Lands immediate Tenancies of the Crown, and chargeable alike with aids. (250.)

(n) Rolls 33 Edw. I. P. W. I. The personal attendance of Individuals was generally dispensed with on their sending Procurators to answer for them. The Inferior Clergy were usually required to send to the Parliament, when any aid was to be obtained, the Archdeacons and Deans and Repres. of the several Chapters, and Repres. of the

March 12. (Sunday after Mid-Lent.) A Parliament is held at Carlisle,

To meet the Pope's Legate, who had been unable to attend the former Parliament.

Writs are issued to 3 Earls and 24 Barons. (o)

May 21. (F. of St. Trinity.) A Parliament, or Council, is held at Westminster.

inferior Clergy of every Diocese, thus forming a Representation of the Community of the Clergy, as the Knights, &c., were of Counties, Cities and Boroughs, but the Clergy generally formed a separate Assembly in the grant of an aid to be levied on their Spiritual Possessions, the Archb., Bishops, Abbots, Priors, summoned by Special Writs, generally joining in the grants with the Earls and Barons, of any aid to be levied in their Temporal Possessions, which they held as Baronies. The "Proceres" specially summoned seem no longer to have been summoned in the character of Tenants in Chief, but as having personal dignities by the grace or favour of the Crown, or by a prescriptive right from the repeated summons of their ancestors to Parl. As "Nobiles" they were distinguished from those Tenants in Chief to whom Special Writs were not directed, and who might be themselves elected Knights of Shires, or join in the election of such, as their Representatives. From the form of writs for elections of Knights, &c., the idea seemed to prevail in the minds of those who framed them, that advice should proceed from the "Magnates et Proceres," and that the attendance of the Commons was rather to obtain their assent to what should be proposed, than to obtain their advice. Throughout this whole reign, there appears a want of that certainty as to the extent of the authority both of the King and his Parliaments, which time and practice have since produced. The Legislative Assemblies had nearly approached the present form, but this took place gradually, and was the result rather of circumstances than of any legislative act, or of any clear and settled constitutional principles. (Rep. 252-3-4.)

Though this Parliament was summoned for the 20 Jan., and did not commence till the 25th, the writs for the expenses of Knights, Citizens, and Burgesses are, in the P. W., tested 20 Jan. the first appointed day of meeting. A Writ to the Sheriff of Cambridge, tested 20 Feb., directs "That in consideration of personal attendance given by John de la Mare, at the Parliament at Carlisle, the Sheriff is to forbear making distresses upon the Villain Tenants of the said John for a contribution of the expenses of the Knights of the Shire." As this was a Baron summoned by Special Writ, this fact seems to confirm the opinion, that the Tenants in Chief so summoned, were the Representatives of those who held of them, and who were thus not represented by the Knights of the Shire. The Report (253) observes, that, in this Parliament, the King took upon him to legislate for Wales, Chester, Scotland, and Ireland, for none of which Representatives appeared. The Rolls 35 Edw. I. (copied by Stowe in his Chron. p. 211 and Ryley p. 318) give the names of all the Bishops, Priors, and Barons who appeared at this Parliament, 20 Jan., and the Parl. Hist. I, p. 133, repeats it, in a corrected form, from the original Record itself. Among the *Barons*, are Edw. P. of Wales, 19 Earls and 76 others. The Archb. of York, 19 Bishops and 48 Abbots, but no Priors, appear.

(o) P. W. I. It appears that this Parliament met, and that the Knights of Shires at least, were present. A Writ de expensis, tested Carlisle, 20 March, states, that "their stay at Carlisle had been prolonged until Palm Sunday, 19 March." The Session thus lasted 3 days. The next meeting is given on the authority of the Rolls, 33 Ed. I.

In the Reign of Edw. I, 155 Cities, Towns and Boroughs are summoned to send members. The following List gives the number of additional places required to send, in the respective years:—

| | |
|---------------|----|
| In 1283 | 21 |
| 1285 | 94 |
| 1298 | 12 |
| 1299 | 1 |
| 1300 | 9 |
| 1302 | 9 |
| 1304 | 13 |
| 1336 | 6 |

165

This List is made from the Parl. Writs, but Prynne says only 107 Cities and Boroughs actually elected and returned Citizens and Burgesses, besides the Cinque Ports. Of which numbers Seven made only one Election and Return, before or after, till of very late years.

A. D.
1307.
A. R.
1

EDWARD II.

(July 8, 1307.)

October 13. (15 of St. Michael.) A Parliament meets at Northampton.

Writs for a special "Colloquium," respecting the celebration of the Funeral of his Father, and his own Espousals and Coronation, are by the King addressed to the Archb. of York and 18 Bishops, (with the *Præm. Clause*) 54 Abbots, 1 Prior, the Prior of St. John Jer., and the Master of the Temple, 9 Earls, 71 Barons, to 39 Justices and others of the Council, and to all the Sheriffs for Knights, Citizens and Burgesses. To the Sheriffs of London, for 2 Citizens, "as the King wishes to have a Colloquium with the Prelates and Magnates of the Kingdom."

The Clergy make a grant of a Fifteenth, the Counties a Twentieth, the Cities and Boroughs and Ancient Demesnes, a Fifteenth of their Moveables. (*p*)

1308. **March 3. (First Sunday in Lent.)** A Parliament is held at Westminster.

A. R.
1

Writs are issued, without the *Clause*, to the Archb. of York, 15 Bishops, 12 Abbots, 3 Priors, 11 Earls, 84 Barons and others. To the Sheriffs for Knights, &c.

The Prelates, Earls and Barons advise the King to banish his favourite, Peter de Gaveston. (*q*)

April 28. (Sunday 15 of Easter.) A Parliament meets at Westminster.

Writs are issued, without the *Clause*, to the Archb. of York, 15 Bishops, 12 Abbots, 2 Priors, (omitting the Prior of St. J. J.) 10 Earls and 47 Barons, 36 of the Council. (*r*)

(*p*) P. W. I. This Special Colloquium was a general Parliament summoned for a special purpose. The King's Coronation took place Sunday 24 Feb. 1308. The oath taken clearly recognized not only the limitation of the Royal Power by existing laws, but that the power of altering those Laws and enacting others could only be exercised with the consent of the Commonalty. (Rep. I. 257). The writs, however, for the Coronation mention the day appointed, as the Sunday after the F. of St. Valentine, (which would not be later than the 21st), and are addressed to the Archb. of York, B. of Durham (Patriarch of Jerusalem) and 14 other Bishops, 12 Abbots, 4 Priors, 11 Earls, 97 Barons and others, and to the Sheriffs to proclaim in all Cities, Boroughs and Market Towns (Vill. Mercat.) and invite Knights, Citizens and Burgesses to attend the Solemnity.

(*q*) P. W. I. That the Knights and others were summoned, appears from a single mutilated writ to the Sheriff of Kent for this purpose. It is doubtful whether the proceeding as to Gaveston took place in this, or at the subsequent meeting. The Letters Patent are dated, May 18, A. R. I.

(*r*) P. W. II. 15, note. According to Hemingford, this was an adjournment of the preceding Parliament. This instance shews, as many following ones do, that, even on an adjournment, if it was such, new Writs were considered necessary, and that such differ often as to the number summoned, from the preceding Writs. The custom of Second Writs, upon such occasions, should make us cautious in setting down every fresh summons, however formal, as appertaining to a new Parliament, especially, as if the present was really only an adjourned meeting, no notice of such a fact is taken in the Writs themselves. The value of the authorized Ed. of the Parl. Writs is strikingly apparent from the unavoidable confusion which is admitted in the Parl. History and other narratives of the first Parliaments of Edw. 2, and upon numerous other occasions. Stowe says this Parliament was held on Hockday, Hock Tuesday, the second Tuesday after Easter week, which nearly corresponds with the real date. He places here the proceedings against Gaveston, which may be right, and also the appointment of Commis-

Oct. 19. (*Three weeks after Michaelmas.*) A Parliament is held at Westminster. A. N. 2

Writs, (stating, that, at the Parliament held after the Coronation, with the Prelates, Magnates and Proceres, the proceedings had been interrupted, and much business left unfinished, which still remains to be done,) summon the Archb. of Cant. Primate of all England, the Archb. of York, Primate of England, 15 Bishops, without the Clause, 18 Abbots, 9 Earls, 57 Barons, and 35 of the Council. (s)

Feb. 23. (*Second Sunday in Lent.*) A Council (Colloquium et Tractatus) of Prelates "Magnates et Proceres" is held at Westminster. 1309. A. N. 2

Writs, without the Clause, are directed to the 2 Archb., 9 Bishops, 9 Earls, 42 Barons, 16 Justices and Magistri of the Council, and one other. (t)

April 27. (*One month of Easter.*) A Parliament meets at Westminster.

Writs are issued to the 2 Archb., 17 Bishops, with the Clause, 51 Abbots, the 3 Masters of the 3 Orders, 9 Earls, 81 Barons, 22 of the Council, and to all the Sheriffs for Knights, Citizens and Burgesses, with full power to do what shall be ordained "communi consilio."

The Commons grant a Twenty Fifth of their moveables, on condition that the King will answer and redress their grievances, then presented in Eleven Articles, which the King promises. (u)

sioners to manage the King's affairs. P. H. I. 143. "This Session of Parliament, say these last Editors, was very long and perhaps by prorogation continued till the next year, 1309." There may be some ground for this opinion in the Writs for the following Parliament.

(s) P. W. II. There is no evidence of any summons of Knights &c., to this Parliament. But there is a Writ to the Sheriffs, tested Westm. 4 Oct., commanding them to make Proclamation. "That no Knights, or other persons, shall presume to attend Tournaments, Bourdices, Justs, or exercise any feats of Arms in England or beyond the Seas, or depart from England, under colour of Pilgrimage, except to Scotland, and that no Person shall come to the Parliament with Horses and Arms, but shall attend as was accustomed in the reign of Edw. I."

(t) P. W. II. This, says the Rep. i. 258, may have been a Council summoned to meet at the time of the King's ordinary Parliament. The form of the Writs differ from that usual for Summons to a Parliament for legislative purposes.

(u) P. W. II. The word Parliament does not occur in the Writs. In assemblies, designated as a "Colloquium et Tractatus," the inferior Clergy and Commons are often present, and in such as are called "Parlamentum," they are often not summoned. This meeting appears to have been continued to 13 May, when the Writs de Expensis Militum are tested. These direct the reasonable expences of the Knights who appeared at Westminster, and which they incurred in coming to the King, attending and returning home to be levied from the whole Communities, &c., in presence of two sworn Knights of the said County, and a return of sums so levied and paid, to be made to the King under the Seals of the Sheriff and the sworn Knights.

As this is the only Parliament. A. N. 2, in which the Sheriffs were commanded to send, the curious Writs given by Prynn in his Brevia P. R. p. 295, must belong to this place. It appears that the Sheriffs had no control over Boroughs within the Liberties of the Queen (Margaret) or those of the Bishop of Winchester. The Sheriff of Wilt had sent the Briefs for Ludgershall, Marlborough, and Devizes within the Queen's Liberties (in quas non habet ingressum) to the Bailiffs of the same, who had given him no answer. The Sheriff of Hampshire had acted in the same way with regard to the Villa Southampton, Portsmouth, Isle of Wight, Andover, Basingstoke, Odcham and Alton, all within the Liberties of the Bishop and Prior of Winchester, and the Bailiffs "nullum inde dederunt responsum." These Special returns may bear upon the inquiry how far the opinion of Prynn and others can be maintained, that Parliamentary Burghs were in a great measure so constituted at the discretion of the Sheriffs.

Speaking of this period, the Ed. of the Parl. Writs says, p. 26 note, "Hemingford's dates are not correct, but this is a circumstance almost too common to require notice."

1309. *July 27. (Sunday after F. of St. James Ap.)* A Parliament is held at Stamford (Staunford.)
A. R. 3

Writs are directed to the 2 Archb., 17 Bishops, without the Clause, 11 Abbots, 8 Earls, 69 Barons, and 7 of the Council and others.

The Statute of Stamford is made, and Letters are sent to the Pope complaining of Papal oppressions. (v)

Oct. 18. A Council, "Secretum Parliamentum," is held at York.

In pursuance of its deliberations, a "Great Parliament" is summoned to Westminster.

1310. *Feb. 8. (Sunday after Purifⁿ.)* A Parliament is summoned to York.
A. R. 3

Writs are issued to the two Archb., 18 Bishops, without the Clause, to 12 Earls and 84 Barons.

Subsequent writs addressed to the same persons, but naming only 68 Barons, change the place of meeting to Westminster. Several "Magistri" are also summoned.

On the demand of the Barons, 12 Ordainers are appointed, with authority from Michaelmas 1310, to Michaelmas 1311, to ordain and establish the estate of the King's Household and of the Kingdom.

The Parliament is prorogued to Lent (March 4, Ash Wedy.) (w)

1311. *Jan. 27. (15 of St. Hilary.)* A Privy Council, "Tractatus et Colloquium," is held at London, by the King's Commissioners.
A. R. 4

(v) P. W. II. This meeting in the writs is called "Colloq. et Tractatum cum Prelatis et Proceribus," but in a writ, Close Roll 3 Edw. 2, m. 1. Dorseo, it is called a Parliament. The Report says, "Whether this meeting was properly a Common Council of the Realm, assembled in Parliament, or only a great Council, the Committee are unable to ascertain," p. 258. "The word Parliament was then beginning to be generally used to express a Legislative Assembly, rather than in the sense in which it was originally used as expressive of a meeting of the King's ordinary Council and Great Court of Justice." In another writ, tested 6 Aug. A. R. 3, this Assembly is again called a Parliament. It does not appear that the Commons were present. The Ed. of the Parl. Writs considers this to have been a continuation of the preceding Parliament, though the Commons do not appear to have been summoned. The absence of writs is scarcely a sufficient evidence on this head.

By writs to the Sheriffs (tested 14 June) Proclamation is to be made against all Tournaments, &c., till otherwise ordained by the K. and Council. Special writs are also directed to several Earls against attending the same, under pain of forfeiture of Lands and Tenements holden of the King.

At this Parliament, Writs are issued requiring the Military Services of the Tenants in Scotland. (Rep. I. 258.)

(w) P. W. II. This is called a Parliament, though attended only by Prelates, Earls and Barons; and the common assent of Archb., Bishops, Earls and Barons "in full Parliament," is required by one of the Provisions of the subsequent Ordinance. From the strong resemblance, it may be imagined the Provisions of Oxford were in the view of the Lords Ordainers. In the Parliament, 15 Edw. II., all their proceedings were treated as an unconstitutional assumption of power, and therefore annulled. (Rep. 267.) The King's Letters Patent acknowledging the Ordainers, are dated March 16, and an instrument with their names is published March 17, 1309, which must have been 1310, as the only 17 March of his 3d year, occurs then. See on "Baronage," Rep. 260-1.

On Feb. 7, Writs and Letters Patent, are issued against repairing to Parliament with Horses and Arms.

The Editor of the Parliamentary Writs in a note at p. 42. V. II. D. 1., quotes Mon. Malm., 104, and Hemingford, 247, for the last Council, and the proceedings of this Parliament. There is no other account of the prorogation to Lent, whether a meeting then took place or on what day, though from the date of the Letters Patent, just noticed, the members may have re-assembled.

June 13. (Oct. of St. Trinity.) A Council is held at London by the Custos, Earl of Gloucester and Hertford. (x)

July 15. (3 weeks after St. John B.) A Council meets at London. A. N. 5

August 8. (Sunday next before F. of St. Lawrence.) 1311.
A Parliament is held at London, "Colloquium et Tractatus cum Prelatis et Proceribus." A. N. 5

Writs are issued to the 2 Archbishops, 16 Bishops, with the Clause, 49 Abbots, 2 Priors, and the Prior of St. John of Jerusalem, 7 Earls and 55 Barons, to 24 of the Council, and to all the Sheriffs.

On the 5th of October, the Ordinances are confirmed by the King and are issued by Letters Patent in the form of a Charter.

They repeal all grants made by the King since the appointment of the Commissioners, and declare, that if such gifts should be afterwards made by the King, without the consent of his Baronage in Parliament, they shall be null, &c.

That no new Customs shall be taken without the same assent.

That the King shall not go out of the Kingdom, or make War, without the assent of his Baronage, &c.

That he shall make the Chancellor, Chief Justices, Treasurer, and Chief Baron of the Exchequer, and others by the same advice in Parliament.

That money shall not be altered without great occasion, and then by common advice of the Baronage in Parliament.

That Gaveston shall be perpetually exiled from all the King's Dominions.

That, whereas many persons suffer delay in the King's Court of Justice, because it is alleged that the Demandants ought not to be answered in the absence of the King, and thus many are aggrieved by the King's Officers against Right, of which grievance there can be no recovery without a Common Parliament, it is ordained that the King shall hold a Parliament once every year, or twice, if necessary, and that in a convenient place; and that in such Parliament, the Pleas which are thus delayed, and the Pleas on which the Judges differ, shall be recorded and terminated. In the same manner, the Bills shall be terminated which shall be delivered in Parliament "si avant, come Lei et Reson demaunde."

(x) P. W. II. which include also the following Council. It appears that several of the Council had been summoned for the Morrow of the Clause of Easter, April 19, but had neglected to attend. They are again called to the present Council. In Prynne's Brev. Parl. Recl. p. 170, is a Return of the Sheriff of Roteland, An. 4, Edw. 2., as follows, "Eligi feci in pleno Comitatu loco duorum Militum, eo quod Milites non erant in Comitatu Commorantes, duos homines de Com. Roteland de discretioribus et ad laborandum potentioribus, qui plenam &c. &c., ad faciendum quod de Comm. Cons. ordinabatur. Non est Civitas, neque Burgus in Comm. Roteland." If this Return has a right date, it shews that Parliaments were held, to which Knights, Citizens and Burgesses were called, though not the slightest trace remains on record of such a circumstance having occurred. We have no knowledge of any Parliament held A. 4, Ed. 11. In the same year, however, the Sheriff of Hampshire had sent writs to the Bailiffs of the Liberties of the Villa Southampton, and of the B. of Winchester, for Citizens and Burgesses from Andover, Basingstoke, Alton and the Isle of Wight, and they had made no answer." Prynne B. P. R. p. 235.

It appears from a description of a "Full Parliament" in one of the Ordinances, that the Prelates, Earls, and Barons advised the King in Parliament, even after the Representatives for Shires, Cities, and Boroughs had been dismissed. (261.)

It is also ordained, that, in every Parliament, a Bishop, two Earls and two Barons be appointed, "de oier et terminer" all complaints against the King's officers, whoever they may be, who shall have infringed the Ordinances; and if the said Bishop, Earls and Barons cannot all attend, or are disturbed so as not to be able "oier et terminer" the said complaints, 3 or 2 are empowered to do so, and those who have infringed shall be punished before the King and the Plaintiffs, at discretion of the said Assignees (Assignez.)

The Parliament continues sitting till Oct. 8, when, by a Writ of Prorogation, the King thought fit to "continue" the Parliament until Friday next after the Feast of All Saints, Nov. 5, to be then held at Westminster. Writs issue to the 2 Archbishops, 14 Bishops, (or their Vicars) with the Clause, 8 Abbots, 8 Earls, 38 Barons, and to the members of the Council.

Proclamation is made, that the Knights of Shires, Citizens, Burgesses and others, may be at Westminster on the Morrow of St. Martin, Nov. 12, to resume the Session of Parliament. The Clergy to attend the same Parliament on the Octaves of St. Martin, Nov. 18.

The writs to the Sheriffs direct that the Knights, Citizens and Burgesses, who came to the Parliament at London, and who had departed, shall come again; or, if those first elected, cannot attend, other fit and proper persons to come in their stead with full power. (y)

1312. Feb. 12. (First Sunday in Lent.) A Parliament is
A. B. summoned to Westminster.
5

"In the last Parliament at Westminster, manifold and arduous affairs there discussed, could not be wholly dispatched on account of the interruption occasioned by the Festival of Christmas, the King proposes to hold another Parliament to treat finally on the said affairs."

Writs are directed to the Archbishops, 15 Bishops, or their Vicars, with the Clause, 30 Abbots, 8 Earls, 60 Barons, and to all the Sheriffs, who are commanded to cause the same Knights, &c., to come, as were elected at the last Parliament. If they

(y) Rolls, 5 Edw. II. where the year is called 1312. P. W. II. The writs to the Judges for the first Parliament did not require them to attend for the purpose for which the Prelates, Earls and Barons are summoned, but with the rest of the Council to treat with the King and give their advice, merely as Assistants and not as having voices in the Common Council to determine any thing by their vote. The King was attended by his Council, who were distinct from the Prelates, Earls, Barons, Knights, Citizens and Burgesses, as a Legislative Assembly. The Judges were an inferior part of the Council, and others, as Clerks, &c., were of a still inferior degree. (Reg. 261-2.)

It is remarked that the second summons to the Archbishops and Bishops has many peculiarities. (262.)

The Archb. of Canterbury having taken offence at certain expressions in the writ addressed to him, the King apologizes and defers the Summons from 18 Nov. to the 13, or 3 weeks, of St. Martin (25 Nov. or 2 Dec.) as the Archb. may think fit.

According to the Writs for Expenses it appears that the Knights, &c., had attended from Aug. 8, to St. Denis's Day (Oct. 9) about 60 days. It appears also that, in many instances, other persons were, under the authority of the Writs of 11 Oct., substituted in the places of those before elected. The Knights, &c., assembled in pursuance of the second Writs, attended from 18 Nov. until Saturday after the F. of St. Lucia the Virgin, 18 Dec., 34 days, and their pay is regulated at 5s. per day.

The singular proceedings in this Parliament indicate that there existed no express Law regulating the Elections of K. C. and B. and that custom had not then established a certain Rule. Long after this time the Crown assumed a power on the subject, which was now controlled by Resolutions and Statutes. (471.)

In both these Parliaments Letters are directed to several Earls and Barons commanding them not to come to Parliament with Horses and Arms, or otherwise than was accustomed in the time of Edw. I.

Certain of the Council having departed during the first sitting of the Parliament they are commanded to return, and not depart without the King's Special permission.

cannot conveniently attend, others to be elected. The King being unable to attend, this Parliament is put off.

Feb. 20. (Sunday before St. Peter in Cathedra) A Council is held at York.

Feb. 26. (Third Sunday in Lent.) A Council, "Colloquium et Tractatus," is held at York.

On the affairs of the Duchy of Aquitaine.

July 23. (Sunday after F. St. Mary Magdalen.) A Parliament is summoned to Lincoln. 1312.
A. R. 6

Writs are addressed to the Archbishops, 19 Bishops, with the Præm. Clause, 55 Abbots, 2 Priors and Prior of St. John of Jerusalem, 9 Earls, 42 Barons, 16 Justices, 16 Clerks of Council, and to all Sheriffs.

By writs (Spalding, 8 July) this Parliament is changed to Westminster.

Aug. 20. (Sunday after F. of Assumption.)

Writs issue to the Archbishops, 19 Bishops, with the Clause, 54 Abbots, 2 Priors, Prior of St. John of Jerusalem, Master of Sempynggham, (long omitted) to 9 Earls, 44 Barons, 30 of Council, &c., and to all Sheriffs.

Aug. 23. The Knights, Citizens and Burgesses are commanded to return home that they may re-assemble on the Morrow of St. Michael, Sept. 30. (x)

Sept. 30. (Morrow of St. Michael.) A Parliament is held at Westminster. 1312.
A. R. 6

The Commons appear to sit till Dec. 16. (a)

(a) For this Parliament in 1312, see the Parl. Writs, II. The Report p. 263-4 admits here a few mistakes. The Summons for the Parliament at Lincoln, was tested, York, June 3, not Jan. 28. That this Parliament at Westminster was holden, appears from the dismissal of the Commons in 8 days, who therefore had attended.

Another Council appears to have been held at York, Sunday before F. of St. Peter, in Cathedra, 20 Feb., by Writs (15 d. Feb.), addressed to 45 Barons or Military Tenants of the Northern Counties, "super quibusdam arduis et specialibus negotiis locuturi." This is not called a Meeting of the Council, and seems only to have had some local object. Rep. App. III. 214. It appears, also from Letters Patent, tested, York, March 2, that the Archb. of Canterbury, the Bishops, Earls, and Barons were then about to assemble at London.

(a) P. W. II. On Aug. 29, previously to this Meeting, Writs are sent to the Sheriff of seven Counties to make purveyance of Provisions for the King's Household during the ensuing Parliament, the provisions to be taken by appraisement and indentures made between the Sheriff and the persons from whom the Cattle are purchased, and the King will cause due payment to be made for the same at the Exchequer on the quinzaine St. Michael, Oct. 13.

| | | | | |
|----------------------|------|-------------|-----------|-----------|
| Devonshire to supply | 200 | Beeves—1000 | Sheep—200 | Swine |
| Southampton | 300 | 1000 | — | — |
| Somerset and Dorset | 600 | 1000 | — | — |
| Surrey and Sussex | 200 | 1000 | — | 100 Swine |
| Wiltshire | 300 | 2000 | — | 200 |
| Total | 1000 | 6000 | 500 | — |

On the 16th Dec., Writs are issued "de Expensis" for the Knights in coming to Parliament, "regard being had to the lengthened attendance."

There is no evidence of any Prorogation or intervening Summons.

Prynne, Brev. Parl. Red. p. 164, gives a Return of the Sheriff of Northd., A 6, Ed. 2. "Quia homines tam Comit. North., quam villæ Nov. Castri Ap. T. multum timent quod pax inter regn. Ang. et Scot., &c., infringereetur, propter quod ipsi se elongare ad prasens commode non potuerunt, ideo nullos Milites seu Burgos. pro instanti Parlamento curant mittere." Another return (p. 169) of the Sheriff of Oxford, shews that one Knight elected has no land or goods in his Bailiwick, and that the Bailiff of the Liberty of Wallingford will not answer for him.

1313. *March 18. (Third Sunday in Lent.)* A Parliament
A. R. 6 meets at Westminster.

Writs "Parliamentum tenere, et habere Colloquium et Tractatum," are issued to the Archb., 18 Bishops, with the Clause, 46 Abbots, 2 Priors, Prior of St. John of Jerusalem, and to the Master of Sempringham, to 10 Earls, 89 Barons, 42 of Council, and to all Sheriffs.

The Bishops of Durham and Carlisle are excused in consequence of the required defence of their Counties against the Scots, and are allowed to appear by Proxy. Ten others, Barons, are also excused.

The Knights remain from the 18th March, to Saturday before Palm Sunday, April 7.

May 6. (3 weeks of Easter.) Parliament again meets.

The Knights sit till May 9. (b)

1313. *July 8. (15 of St. John B.)* A Parliament is sum-
A. R. 7 moned at Westminster.

Writs are directed to the Archbishops, 17 Bishops with the Clause, 45 Abbots, 2 Priors, Prior of St. John of Jerusalem, Master of Sempringham, 10 Earls, 88 Barons, to the Council, and to all Sheriffs.

The King being abroad, had (July 1) appointed a Commission to open and continue the Parliament.

The Knights attend from the 8th to 27th July. (c)

Sept. 23. (Sunday after F. of St. Matthew the Apostle.)
A Parliament meets at Westminster.

"The King not having attended the last Session, for the purpose of dispatching affairs left undiscussed at that Parliament," Writs are directed to the Archbishop of York, and Keeper of the Archiep. of Canterbury, (sede vacante) 17 Bishops, with the Clause, 46 Abbots, 2 Priors, Prior of St. John of Jerusalem, Master of Sempringham, 10 Earls, 99 Barons, 30 of Council and others, and to all Sheriffs who are *not* commanded to send the same Knights, Citizens, and Burgesses, as before elected.

(b) P. W. II. Writs are directed, 17 Jan., to Earls, Barons, Knights and men at arms, against attending a Tournament at Newcastle-upon-Tyne, on Sunday next.

It appears, by writs "de expensis Militum" (tested Windsor 20 Jan.), that at 3 successive County Courts, the men of Kent, almost all of whom held by Gavelkind Tenure, had declared unanimously that they were *not in any manner bound* to contribute to the expenses of the Knights of the Shire, nor could they; and that there were very few freeholders (de Tenura de libero Fado) in the county, and from whom the expenses could not be levied.

It appears from the Writs for Expenses of the Knights, that this Parliament either continued without them, or, after a prorogation, met again on 6 May. These Writs, dated 10 May, state the periods of their attendance.

In the month of April (7) a Writ addressed to the Mayor, Bailiffs and whole Community of Bristol, commands them to restore certain Burgesses whom they had disfranchised, according to the tenor of former Writs of Mandamus, &c.

On April 1, a Tournament having been held at Reading in contempt of the King's Proclamation, the Sheriff of Berks is commanded to seize the Lands and Tenements, Goods and Chattels of all who attended it.

(c) P. W. II. The Rep. I. (p. 264) says, "This Parliament did not meet," but the Writs (27 July) "de Expensis," are specific on this head, and "the Session" is mentioned in the next Writ of Summons.

In this month, a Council was probably held. See Writ, Sandwich 17 July. On the previous 16 June, according to the Writs, a Provincial Council was also held at London; and the same day Writs to the Sheriffs are issued for the purveyance of Provisions for the King's Household during the ensuing Parliament, payment to be made at the Exchequer.

The Knights, Citizens, and Burgesses, sit from 23 September, until Thursday after the F. of St. Martin following, November 15.

The "Comites, Barones, Milites, liberi homines ac Comm^a. Comitatus Regni," grant a twentieth; the Citizens, and Burgesses, and Commons, of all the Cities and Boroughs of the Kingdom, grant a fifteenth of their moveables. (d)

April 21. (Sunday 15 of Easter.) A Parliament is summoned to Westminster. 1314.
A. R.
7

"Parliamentum, cum Prælati, Magnatibus et Proceribus regni."

Writs are issued to the Archbishop of York, K. of Spira, of Canterbury, 16 Bishops, with the Clause, 41 Abbots, 2 Priors, and Prior of St. John of Jerusalem, and Master of Sempringham, to 10 Earls, 88 Barons, to all the Sheriffs for Knights, Citizens, and Burgesses, with full power to do and consent to what shall then be ordained Communi Consilio.

The King cannot hold the Parliament, and the Members are discharged.

May 17. (Morrow of Ascension.) A Convocation of the Clergy is summoned to meet at Westminster before the King's Commissioners ("Fideles"), to treat of an Aid to be granted by them for the advantage of the Commonwealth. 1314.
A. R.
7

Writs are addressed to the Archbishop of Canterbury, the Bishop of Winchester, and 17 other Bishops, with the Clause, and 6 Abbots. In consequence of the above, Two Mandates (9 and 24 April) setting forth the King's writ, are issued by the Archbishop of Canterbury, which the Clergy obey.

On the 20th May, They declare, that they have not been accustomed to be convened by the King's Authority, nor ought they so to be convened according to Law. But the present citation is grounded wholly upon the King's Commands, as appears by such citation, in which the King's Writ is set out at length. All which matters tend to the subversion of the Privileges of the Church, &c. (e)

June 19, July 8, July 15. Councils are held at Westminster. (f) 1314.
A. R.
8

(d) P. W. II. The duration of this Session is proved by the Writs of Expences, which specify the attendance of Knights, Citizens and Burgesses from Sept. 23 to 15 Nov., and direct a payment to the former of 4s. per diem, with their charges for coming and returning, and of 2s. for the Citizens and Burgesses. This will perhaps explain the difficulty noticed in the Rep. p. 266, that the Act, "That no one should be troubled for the death of Gaveston," is described as made in a "Parliament holden on the Sunday after the F. of Edw. Conf." 22 days after the 23 Sept. which of course was in this Parliament, beginning on the day appointed. See also for this Parliament, Rep. I. 471, note 58. The Eds. of the Parl. Writs observe, "Some of the Returns say 22 Sept; one of the many instances shewing how loosely the Returns were reckoned," p. 103.

The Earls of Lancaster, Gloucester, Warwick, Arundel, Surrey, and Hereford, though summoned to attend the Parliament on the next Sunday (Sept. 23), had prepared to go to a Tournament at Brackley, Northampton, by public Proclamation prohibited. The King (Sept. 16) specially forbade them holding any Tournament.

(e) For the Writs of Summons and the discharge for the last Parliament, Sunday 13 of Easter, see Rep. App. III pp. 232-237. P. W. II. One of the mandates for the Morrow of the Ascension, is docketed "De Parlamento tenendo," the other Littera "de Convocatione Cleri."

(f) P. W. II.

Sept. 9. (Monday M. of Nativity of Virgin.) A Parliament is held at York.

Chiefly on Scotch affairs. Writs are issued to the Archbishops, 18 Bishops, and the K. of the Spir. of St. Asaph, with the Clause, 4 Priors, including Prior of St. John of Jerusalem, and the Master of the Order of Sempringham, 9 Earls, 101 Barons, and to all the Sheriffs.

A *Second Letter* (for the first time), is addressed to the Archbishop of Canterbury, enforcing those to the Bishops, and commanding that the Deans and Priors of the Cathedral Churches, and the Archdeacons of his whole Province shall attend personally, and each Chapter of the said Churches by their Proctor, and the Clergy of each Diocese of the same province by Two sufficient Procurators.

Sept. 7. Commissioners are appointed to open the Parliament, and continue the same till the King's arrival.

The Commons attend this Parliament from Sept. 9 to Sept. 27. (g)

1315. *Jan. 20. (Oct. St. Hilary.)* A Parliament meets at Westminster.

A. R.
8

Writs are issued to the Archbishops, 19 Bishops, with the Clause, to 45 Abbots, 2 Priors, Prior of St. John of Jerusalem, Master of Sempringham, 9 Earls, 86 Barons, 33 of the Council, and to all the Sheriffs. A *Second Letter* is addressed to the Archbishop of Canterbury.

The Archbishop of York and Bishop of Durham, and 9 Barons, are excused on account of the necessary protection of the Marches against the Scots.

Writs are also directed to Rich. de Burg, Earl of Ulster, Theobald le Botiller, Theobald de Verdon, Justiciary of Ireland, to attend this Parliament.

The Knights, Citizens and Burgesses attend this Parliament from Jan. 20 to March 9, when they receive permission to return home.

Numerous petitions are presented, and answers given.

These are from the Commonalty of England, the King's Burgesses of the Borough of Helston, the Prelates, Earls, and Barons, Burgesses of St. Albans, the Tenants of the King at Sevenhampton, and from Individuals, the greater part appli-

(g) P. W. II. By a Writ (13 Sept.) the Justices are commanded to stay the trial during the sitting of Parliament, of two persons whom the King wishes to keep with him.

The Writs "de Expensis," printed in the Parl. Writs, controvert the opinion expressed in the Report (p. 267) that "there may have been no meeting." The P. W. contain also an Entry of Return to the Writ of Elections for London, and a Mem. that, on Friday, 6 Sept., Two Citizens set out for York, and Two remained at home. Those who went, returned Oct. 2. One was paid 20 Marks, the other 15.

At this Parliament, the two Archbishops quarrel as to their Rights.

The Parl. Hist. I., 151, says, "a Parliament met at Westminster on the 20 Dec., 1314, when the Assize of Provisions is considered and a statute made, Rot. Parl. ii. 35-36. This Parliament it is further said, granted the King a twentieth part of their moveables. But the Report alluding to this matter of the Assize, says, 1. 269, "The order was first made by the Council alone."

Of the grant of one twentieth made by the Parliament, 20 Jan., the Report says (271) no other evidence has been found, but a Writ for its assessment, June 8, A. R. 8. Now this grant may have been made in the Parliament of 20 Dec., recorded in the P. H., but there is no question as to its having been made either in Dec. or Jan.

On the 20th Oct., Writs are directed to the Sheriffs of Counties for the purveyance of Provisions as well for the King's Household at Christmas, as during the approaching Parliament.

cations to the King of Grace or Favour, or Petitions of Right against the King, or Proceedings between Subject and Subject, before the Parliament as a Court of Justice, and there is no Statute to which the Commons might be deemed necessary parties.

A grant of One Twentieth is made. (*h*)

A Mandate by the Archbishop of Canterbury, (dated Bromley, Dec 1.) to the Prior and Chapter of Christ Church, Canterbury, recites the King's Writ of Parliamentary Summons. The Prior is enjoined to attend in person, and the Chapter by one sufficient Procurator. The Clergy protest against the foregoing Citation. They describe the Parliament as a Secular Court, begun and continued in the King's Chamber, and declare the Clergy cannot be compelled to attend such Court, without a manifest violation of their privileges. They object to the omission of the Abbots and Priors ruling Convents by themselves, and of their Convents or Colleges, *no others being summoned except the Priors of the Cathedral Chapters*, although such Prelates make up the greatest part of the body of the Clergy of the Diocese; and on matters concerning the whole body, like the present "Treaty," no proceedings can be valid unless they are duly cited. Nevertheless, to conform as much as possible to the Archbishop's wishes, and lest any detriment should arise to public affairs in the present urgent necessity, the Clergy offer to perform what may be just and conformable to the Canon Law. They protest, before him, in the presence of his Suffragan Bishops, that the Clergy cannot obey such mandates in future, without derogating from the freedom of the Church, and endangering their privileges.

May 19. (*M. of St. Trinity.*) A Council is held at Westminster. (*i*)

Sept. 1. A Council is held at Lincoln, with the Archbishops, Prelates, and certain Nobles. (*k*)

Jan. 27. (*Wedn. 15 of St. Hilary.*) A Parliament meets at Lincoln.

Writs are issued to the Archbishops, and afterwards to the Custos of the Spir^s. of York, the Archbishop being dead, to 19 Bishops, with the Clause, to 45 Abbots, 2 Priors, Prior of St. John of Jerusalem, Master of Sempringham, to 8 Earls, 83 Barons, 33 of the Council, &c., and to all the Sheriffs. A Second Letter is also addressed to the Archbishop of Canterbury. There is also a Mandate, in consequence, by the Archbishop of Canterbury, to the Prior and Chapter of Christ Church Canterbury, for this Parliament.

(*A*) P. W. II. By a Writ tested, 15 Jan., the Justices, throughout England, are commanded to stay Proceedings during the Parliament, on any Assize, Inquest or Certification, concerning any of the Prelates, Earls, Barons and other Lieges, who shall come to the Parliament by the King's command.

18 Jan. The Mayor, Aldermen and Community of the City of London appoint Two Members to appear at the Parliament 20 Jan.

The Writs "*de Expensis*," for K., C. and B., are from 20 Jan., to Sunday next before the F. of St. Gregory, Pope, 9 March, to 36 Counties. The Knights to receive 4s. per day (£19 4s.) for their stay, with reasonable Charges for coming and returning. The Citizens and Burgesses 2s. per day (£4 16s. each.)

The evidence for the grant in this Parliament, is only the Writ of June.

(*i*) P. W. II.

(*k*) P. W. II.

1315.

A. R.

9

1316.

A. R.

9

Writs are also sent for the attendance of two or three Merchants, and for 3 Judges of the Bench.

1316.

A. R.

9

The Parliament is holden in the Hall of the Dean, and the Clerk of the Chancery, for that purpose specially appointed and nominated by the King, draws up a Report of the Proceedings. W. Inge, a Justice of the Common Bench, states the necessity of dispatch in business, as the Prelates, Earls, and others had come from a distance, and their delay, if long, would be burdensome and tedious from the increasing scarcity of victuals; and though the Earl of Lancaster and other Magnates were not arrived, he enjoins the Prelates, Earls and others present, to meet daily and continue the Parliament and do other business, till the others came.

John de Sandall, Chancellor, is directed to receive Proxies, and with Walter B. of Norwich and W. Inge, to scrutinize the excuses of those who do not attend, and to certify those who neither attend, nor send Proxies, or excuses. Petitions are to be received till the Morrow of the Purification, (*Feb. 3.*) and Receivers (Officers of the Chancery or Exchequer) are appointed, and *Jan. 28.* others are named to hear and determine them; namely, certain Judges, Officers of the Ch. and Exch., with Bishops and Barons.

Jan. 30. The Bishops of Norwich, Chichester, Exeter and Salisbury, are sworn of the King's Council, and the Bishops of Norwich and Exeter, the Earls of Richmond and Pembroke, are appointed "Locum Tenentes," in the King's absence, until the Arrival of the Earl of Lancaster and other Lords, who had not yet appeared. Thursday, *Feb. 12.* the Earl of Lancaster and other Proceres, being then present, the King attends in full Parliament, and the cause of the Summons is declared, particularly the business of Scotland, and an Aid.

Feb. 13, Friday. The Prelates and Proceres meet by Agreement in the Chapter House of the Church, to treat on this business. *Feb. 14.* They meet again, on the same, at the Convent of the Friars of the Order of St. Mary of Mount Carmel.

Feb. 15. The ordinance of Assize is revoked. The "Statutum Lincoln de vice Comitibus" is agreed to, "by the information of the Prelates, Earls, Barons, and other "grauntz" of the kingdom, and by grievous complaint of the People." *Feb. 16.* The King wills, that certain ordinances, "per Prelatos et Proceres" before made and accepted by him, and the Perambles of the Forests made in the time of his Father, shall be observed, &c.

Feb. 17, Tuesday. The Earl of Lancaster is sworn President of the Council, an office he accepts on the terms, "That no acts touching the Kingdom, shall be done without advice of Council; and any Member of Council, who shall either do any act, or give any advice prejudicial to the Kingdom, shall be removed at the next Parliament." The "Magnates, et Communes Regni," grant the King, in aid of his war in Scotland, "de qualibet villa in regno, exceptis Civitatibus, Burgis et Dominicis Regis" one able Foot Soldier, with arms and expences (4d. per diem) till they reach the army, and afterwards pay for a certain time, such grant not to be drawn into a Precedent. The Commons next grant a Fifteenth of the Moveables of the men of the Cities, Boroughs and Demesnes of the King in his own hands, or in reversion.

The Commons sit from 27 Jan. to 20 Feb., on which last day, Writs are issued for Two Knights from the Counties, "elected

in full County Court" to appear before the Council at *Westminster*, on the Quinzaine of Easter, April 25, concerning the Forests. (1)

April 25. The Knights so elected, attend the Council at *Westminster* till May 29. 1316.
A. R. 9

June 13. Knights again attend the Council from this day till June 27.

July 26. (Thursday after F. of St. James Apostle.) 1316.
A. R. 10
A Parliament meets at Lincoln.

The Earls, Barons, Freeholders and Communities, grant the King a Sixteenth of their Moveables.

The Knights attend from July 29 to Aug. 8.

Feb. 9. (Octaves Purif. B. Mar.) A Council (Colloquium et Tractatus) is held at Clarendon. 1317.
A. R. 10

Writs are issued to 13 of the Council.

(1) F. W. II. The circumstances of this Parliament are detailed at length, as being more formally and regularly recorded than the proceedings in any former Parliament, and as being in themselves, interesting. There is, however, some difficulty with regard to the duration of this Parliament, and the meetings which succeeded it. The periods during which the Knights had been in attendance, and their repeated summons to appear, are proved by the Writs of expenses, which are extant. They were present from Jan. 27 to Feb. 20. It may seem doubtful whether the Parliament continued to sit without them, or how long such Session continued. They are required again to attend the "Council" on the 25th April, but at *Westminster*, not at Lincoln, where they remain till May 29. A third summons assembles them on the 13th June, when they are detained till the 27th. A Fourth call is for their attendance at *Lincoln* on the 29th July, and they are dismissed on the 8th August. From Letters Patent, tested at Lincoln, 5 Aug. A. R. 10, it appears that the same Earls, Barons, Freeholders (Lib. Hom.) and Communities, who had, in the quindene of St. Hilary preceding, made the grant of armed Footmen &c., again assembled at Lincoln on the Thursday after the F. of St. James, Ap., July 29, A. R. 10, and made a grant of a Sixteenth of their Moveables. It seems, therefore, says the Rep. (277) either that the Parliament had continued sitting from the 15th St. Hilary, in the 9th, until the F. of St. James in the 10th year, or that it had met a second time, on a Prorogation. Now, it is evident, that if they continued sitting, they must have changed their place to Westminster, which is not probable. It appears, farther, probable that the whole Parliament terminated on the 20th February.

The Writs for Military Service to the E. of Lancaster and nearly 200 other persons, besides all the Sheriffs, are tested Lincoln, Feb. 20, A. R. 9, when all these individuals were with the King, at this very place. Unless they had departed, or were about to depart, it is not probable, that, even pro forma, he would have thus addressed them. The course of proceeding to the 17 Feb. is taken from the Report, but, according to the Parl. Writs II., p. 170, this grant is not made till the 20th, and the Letters for "service" of that date, make no allusion to the Parliamentary grant, such service being, in fact, due without reference to the grant. The Rolls place the grant on Friday, Feb. 20, 4 Edw. 2, and call the year 1315. It seems most likely, that the Parliament then broke up, and was prorogued to the 29th of July, or that a Parliament was then called by fresh Writs of Summons. It does not appear that the Commons were assembled upon this last occasion. The Report says (p. 277) by the words "*liberi homines et Comm.*" were probably meant the Knights of the Shires representing the Freeholders and Communities of the several Counties. The Commons seem to have been little considered in the Parliament of St. Hilary, except in the grant of Foot Soldiers and Money, both levied under the obligations of the Military Tenures. The Statute "*de Vicecomitibus*" is made by assent of the Prelates, Earls, Barons and the great men. See many excellent remarks on the distinctions of Aids and Tenures, Rep. (274-5.) See also Parl. Writs II. (71) for the form of the consent to Aids by the Clergy. A Mandate by the Archbishop of Canterbury (Lambeth 13 March) recites that the King had sent his Letters Supplicatory to the Archbishop, requesting him to cause Convocation to be held. The Prior, &c., is commanded to appear in the Cathedral Church of St. Paul's, London, on Wednesday, April 28, &c. In their temporal capacities the Prelates and others had already joined in the grant of an aid. The present call was in respect of their Spiritualities. It may, indeed, be considered singular, that, in the general Writs of Summons to Parliament, the Custodes of the Spiritualities, as in the Parliament of St. Hilary and other cases, should be summoned as such, and the opinion might be entertained that such Summons was not merely by claim of Barony. But the tenor of all proceedings with which the Clergy are connected, sufficiently authorize the common opinion on this subject. See much in Report, *passim*.

April 15. (Friday after Clause of Easter) and April 28.
Councils are held at Westminster.

Writs are directed to the Archbishop of Canterbury, the Bishop of Exeter, 2 Earls and 6 Barons.

1317. *July 18. (Monday, 18th instant.)* A Council is held
A. R. 11 at Nottingham.

Writs issue to the Archbishop of Canterbury, 3 Bishops, 5 Earls, 13 Barons and others of the Council.

Dec. 30. (Friday, Morrow of St. Thomas Martyr.)
A Council meets at Westminster.

1318. *Jan. 27. (15 of St. Hilary.)* A Parliament is sum-
A. R. 11 moned to Lincoln.

Writs issue to the Archbishops, 17 Bishops, with the Clause, to the Archbishop of Dublin, 45 Abbots, 2 Priors, Prior of St. John of Jerusalem, Master of Sempringham, 8 Earls, to 123 Barons, and others of the Council, and to all Sheriffs.

This Parliament is prorogued, by Writs, to

March 12, (First Sunday in Lent) then, by other Writs, to

June 19, (M. of Holy Trinity) but, on account of the Scotch invasion, the Parliament is altogether "revoked," by Writs (June 8) to the Earls, *Majores Barones*, Prelates and Sheriffs.

May 1. (M. of Clause of Easter.) A Council meets at Westminster. (m)

1318. *October 20. (3 weeks of St. Michael.)* A Parliament
A. R. 12 "Colloquium" meets at York.

Writs are issued to the Archbishops, and 18 Bishops, with the Clause, to the Archbishop of Dublin, 42 Abbots, 2 Priors, and the 2 Masters, 9 Earls, 84 Barons, 25 of the Council, and to all the Sheriffs.

The "Statute of York" is made, "by the assent of the Prelates, Earls, Barons and the Commonalty," containing important enactments for the better administration of justice.

(m) All these Entries, excepting that of July 29, 1316, of which a probable account has been given in the last note, are on the authority of the Parliamentary Writs, 11., and the Report. The latter (p. 277) says, there do not appear on record any Writs of Summons to Parliament, 10 Edw. 2. The Ordinance, "De Statuto pro Clero" &c. was probably merely by the King and Council. Of the Writ "de Revocatione Parl." tested June 8, the Ed. of the Parl. Writs observes, "The description is very important, since it designates the persons summoned by Special Writ as the *Majores Barones* of King John's Magna Charta." The Report (277) says "This entry is remarkable, as tending to shew that the Barons then summoned to Parliament by Special Writ, were at that time, when Knights, Citizens, and Burgesses, sat in Parliament, esteemed "*Barones Majores*," and distinguished by that appellation from the Knights of the Shires, as they had been distinguished by the same from other Tenants in Chief in the Charter of John. This affords ground for supposing, that, at that time, the Knights of the Shires were considered as substituted for the Tenants in Capite, who under the Charter of John, were required to be called to a Common Council of the Realm, by general Summons; but it does not ascertain what created the distinction between the "*Barones Majores*," and the other Tenants in Chief, unless the King's Special Writ of Summons to the individual created the distinction; and Edw. 1. assumed a discretionary power on this subject." The cause of this first Citation of the Archbishop of Dublin does not appear.

Two days before the meeting, 18 Oct., the King had made agreement with the Earl of Lancaster, that, at least, two Bishops, one Earl, one Baron, and one Baron or Banneret of the Earl, shall be constantly with the King. All things that can be done without Parliament shall be performed by their assent, and any other matters otherwise transacted, are to be considered as null, and set right in Parliament by judgment of the Peers, and the Standing Council shall be elected to remain with the King by quarterly turns, &c.

The Knights of the Shire, Citizens and Burgesses remain at York till the 9th December. The former are to be paid 5s. per day, the latter 2s., for their attendance. (n)

Feb. 3. A Convocation is held.

The King's Writ, "affectionately requests" the Archbishop of Canterbury, to convene such an Assembly, for the purpose of a Subsidy. (o)

May 6. (One month of Easter.) A Parliament meets at York.

Writs are directed to the Archbishops and 16 Bishops, with the Clause, to 50 Abbots, 3 Priors, the Prior of St. John of Jerusalem, and Master of Sempringham, 9 Earls, 79 Barons, 25 Judges and others of the Council, and to all Sheriffs.

The Earls, Barons, "*Liberi Homines ac Communitates Comitatum*" grant an Eighteenth for the War in Scotland. The Citizens and Burgesses, a Twelfth.

The Commons sit from May 6 to May 25, when they are dismissed, and are to receive, the Knights 4s. per diem, the Citizens and Burgesses, 20d. each. (p)

1319.
A. R.
12

(n) P. W. II. The King was now submitting to the Ordinances made in his 5th year by the Lords Ordainers. In the Parl. Writs, is an Original Commission dated, London, 16 Oct., whereby three Members, or any Two of them, are to appear at York. By writs to all the Sheriffs, tested York 22 Nov., the King wishes to hold a meeting of discreet and provident Merchants, 20 Jan. 1319, concerning the Staple and other matters relating to the Kingdom. Two Merchant Citizens and Burgesses, from each City and Burgh, are to appear before John de Charleton, Citizen of London, Mayor of the Staple of Merchants, who is instructed by the Council to treat with such Merchants. "On the 22th Dec., subsequent to this Parliament, Justices are appointed, by a Commission, for receiving complaints, of oppression and extortion, against the "King's Ministers," viz.—Sheriffs, their Bailiffs and Officers, Constables, Gaolers, Subescheators, &c. Writs against Tournaments also issue.

The Report says (p. 278) the Writs to Abbots and Priors seldom agree, those summoned being, on some occasions, much more numerous than on others.

(o) P. W. II. A Writ, York 17 d. Jan., seems to shew that this meeting was not held, or that the Abb. of St. Aug. Cant. and Seven others, whom the King had himself summoned, were, for some reason, not to attend it.

(p) P. W. II. This grant was probably by Knights, Citizens and Burgesses, and the Letters Patent (39 d. May) make no mention of the King's Demesnes. The words "*liberi homines*," &c., seem clearly applicable to the persons represented by the Knights of the Shires, exclusive of the Citizens and Burgesses assembled in Parliament. Rep. 278.

The Parl. Writs, II. 223, contain "an important and singular document," dated Northampton, 2 May. The Abbot of St. James' without, Northampton, having never been summoned before, and being ill, appoints a Procurator, or Special Attorney, to appear, who refuses to appear, "as the name had never been enrolled before, and he did not hold any thing in Capite, or by Barony, but only in frank Almoigne (free Alma.) He would not excuse his Principal on the ground of infirmity, &c." The Abbot seeks relief. He is ordered by the Chancellor to be expunged from the Registers of Chancery. For the remainder of the Argument, see Selden's Tit. of Hon. (1672), pp. 604-6. *Præsum.* B. P. II. p. 261, says, the first Returns of any Burgesses by indentures lacked to the Writs are those of the Sheriff of Bedford and Bucks, made for the Burgesses of Bedford and Wycombe, An. 12. Edw. 2, filed to the Writ of that year, dated, "apud Ebor," (20 March.) "One of the earliest instances of a contested Election" occurs in this Parliament. A Petition is presented to the Council from Matthew de Crauthorne, who had been elected for Devonshire, whereas the Sheriff had returned others in his stead, against the will of the Commune. Parl. Writs II. 225.

1319. *July 23. (Monday next after F. St. Mary Magdalene.)*

A. R. 15 A Council meets at York.

Writs are addressed to 1 Dean, (of St. Peters, York,) 4 Abbots, and 9 Priors.

1320. *Jan. 20. (Oct. of St. Hilary.)* A Parliament is summoned to York.

A. R. 13

Writs are sent to the Archbishops, and 16 Bishops, *without* the Clause, to 28 Abbots, 2 Priors, and Prior of St. John of Jerusalem, Master of Sempringham, 9 Earls, 98 Barons, Judges and Members of the Council. (q)

1320. *Oct. 6. (Monday in 8 days St. Michael.)* A Parliament meets at Westminster.

A. R. 14

Writs issue to the Archbishops and 19 Bishops, *without* the Clause, 28 Abbots, 2 Priors and the 2 Masters, to Edward, Earl of Chester, the King's son, and 9 Earls, 74 Barons and 32 Judges, and of the Council, also to all the Sheriffs.

On the day of meeting, Receivers of Petitions are appointed for England and Wales, Gascony, Ireland and the Isles.

Many Petitions are presented on the subject of Tenures, &c., and the Statute of Westminster the Fourth, relative to Sheriffs is made.

The Commons sit from Oct. 6 to 25th. (r)

1321. *Jan. 7. (Morrow of Epiphany.)* A Council assembles at Westminster.

A. R. 14

Writs are directed to 1 Bishop and 19 of the Council.

April 5. (Morrow of St. Ambrose.) A Council meets at Gloucester.

May 10. (3 weeks after Easter.) A Council is appointed at Oxford, but altered to Westminster, 17 May. (s)

1321. *July 15. (3 weeks after St. John Baptist.)* A Parliament is held at Westminster.

A. R. 15

Writs are addressed to the Archbishops and 19 Bishops, with

The Special Return for Middlesex (a 12 Ed. 2) is given in Prynne, B. P. R. 174. The Sheriff says (after the Knights names and their Manucaptors) "Non est aliqua Civitas seu Burgus in Comitatu (which is usual in most other returns) preterquam Civ. London, que, per seipsam, pro Comitatu respondet, et ad quam presd. Com. Middlesex est annexatus." The P. Writs give a Mem. of the City of London (7 May) That Five Citizens, or any Three of them, are elected, to appear at the Parliament begun at York, 6 May.

By a *Second* Writ, de Expensis, tested Lambeth, 15 April, 1320, for the Knights who attended this Parliament for the county of Surrey, their attendance is from May 6 to May 15, and they are to receive 5s. per day. The former Writ of May 25, 1319, states the attendance from May 6 to 25, and their pay as 4s. The Representatives from different Counties may have been dismissed at different periods, or have received a different payment, or the original Writ may have been erroneous.

(q) P. W. II. None of the Inferior Clergy, and no Knights, Citizens or Burgesses, are summoned. Probably, this Parliament did not meet, on account of the disorder of the times. Rep. 279.

(r) P. W. II. By mistake, the Report says (279) "the Pr. Clause was added," but, see the App. I. 299, and the Parl. Writs. Here, the Commons are summoned, without the inferior Clergy. The proceedings of this Parliament are preserved. See Report. Four Citizens are elected for London. P. Writs.

(s) For these Councils, see Parl. Writs II.

the Clause, to 9 Earls, 90 Barons, 38 of the Council, and to all the Sheriffs.

A *second* concurrent Writ to the Archbishop of Canterbury enforces the order of Præmunition to the Bishops, "lest the affairs of the Parliament should be retarded in consequence of the absence of the Clergy." The Archbishop of Canterbury issues a Mandate to this effect.

The "Award of Exile" of the Despensers, is made by the "Peers of the Land," Earls and Barons. The Bishops protest.

The Commons attend from July 15 to Aug. 22.

Roger de Northburgh is Keeper of the Great Seal. (†)

May 2. (3 weeks of Easter.) A Parliament ("Colloquium et Tractatus cum Prelatibus, Magnatibus et Proceribus regni") meets at York. 1322.
A. D.
15

Writs issue to the Archbishops and 19 Bishops, with the Clause, to 51 Abbots, 2 Priors, 2 Masters, 9 Earls, including the Earl of Athol, 72 Barons, 33 of the Council and to all the Sheriffs.

A *Second* Letter is addressed to the Archbishop of Canterbury to enforce the Præmunition, and a writ to the Earl of Kent, Constable of the Castle of Dover, and Custos (Warden) of the Cinque Ports, commands him to send 2 Barons from each Port.

A Writ (tested, Rothwell, 18 April) is also directed to Edmund, Earl of Arundel, Justiciar of Wales, commanding him to cause 24 of the most discreet, lawful and able bodied men of South Wales, having full power for themselves and for all the "Communitas," and, also, 24 from North Wales, with the same powers, to appear before the King in his Parliament at York, to advise with the Prelates and Proceres, &c.

The award against the Despensers is annulled by a Statute.

The Ordinances of the 5th Edward II., are also revoked; and it is enacted, "That, for ever thereafter, all Ordinances made by the Subjects of the King and his Heirs, by any power or authority whatever, concerning the Royal Power of the King or his Heirs, or against the Estate of the Crown, shall be void, and of no avail or force whatsoever, but the Matters to be established for the Estate of the King and his Heirs, and for the Estate of the Realm, and of the People, shall be treated, accorded

(†) P. W. II. The second Writ to the Archbishop of Canterbury is more full than on the former occasions.

The Chronicles of Fabian and Hollingshead give an account of this meeting. The discontented Lords, it appears, did not come according to the Summons, but remained in London, in an armed posture, for 15 days after the Parliament was begun. They held Councils among themselves, and drew up a sentence against the Despensers. See the Articles, Parl. Hist. I., 100, &c. The Confederate Lords appeared in Parliament with "odd party-coloured habits, yellow and green, with a white band across their breasts;" whence this Parliament was called long after, "The Parliament of White Bands." Ryley also, Plac. Parl. P. 386, gives the proceedings of the Meeting. Many private petitions were presented. The whole was a proceeding of force put upon the King by the discontented Lords, who came in great Military array, and had the King and Parliament completely in their power. Rep. I. 281. It appears, from Claus. 15 Edward 2, M. 14, verso, that none of the Bishops assented to the award, and that it was therefore, illegal. This was one reason for its subsequent revocation. See Parl. Hist. I., 100. The King had, early in this year, issued Writs against an illegal Assembly about to be held by the Lords for treating upon various matters concerning the Crown, in contempt of the Royal Prerogative, and to the great disturbance of the tranquillity of the Kingdom; and also a general Proclamation against such Assemblies. Notwithstanding this, the E. of Lancaster had ordained a Convention at Doncaster, on Sunday next after quinzaine of St. Martin, 29 Nov., which the King again forbids. Letters Patent are issued against "the Provincial Council, or Convocation," tested 30 Nov., by which it might appear that the Assembly had met. They addressed to 4 Earls, and 103 Barons.

and established, in Parliaments, by the King, and by the assent of the Prelates, Earls and Barons, and the Commonalty of the Realm, according as had been before accustomed."

An Ordinance is made by the King, "by assent of the Prelates, Earls, Barons, and the Commonalty of the Kingdom." The articles provide for the Church, as by the great Charter, and other Statutes before made; "That the King's Peace should be kept throughout the Kingdom, &c.; that different Statutes specified, should be observed; that the Statute of Acton Burnel should be observed only between Merchant and Merchant, known to be such, &c. Other Regulations are made respecting the Law.

Many Petitions are presented on private Rights.

The Prelates, Earls, Barons, Knights, Freeholders and Communities of the Counties, grant the King a Tenth, and in the ancient Demesnes of the Crown, a Sixth. The Citizens and Burgesses grant a Sixth.

The Clergy, in two Conventions, at York and London, afterwards make a separate grant on account of their Spiritualities, in obedience to the authority of the Apostolical See.

On the first day of the Session, one man at arms, from every township, is granted by Parliament.

The Commons are discharged, by Writs of Expences, 19 May, but the other Members continue to sit till after July 7. (u)

(u) P. W. II. This may be considered one of the most important Parliaments which had ever been held. The Earl of Lancaster had, on the 23d March previous, been arraigned, condemned and executed, with several Barons of his party, and the King was released from the thralldom under which he had been long held. Representatives from the Cinque Ports are now summoned again, and it may be questioned whether they were ever before so called for Legislative, and not rather for special purposes.

The King's Writ to the Justiciar of Wales states, that "the praiseworthy services heretofore performed by the Lieges of the Land, as well Knights as others, induce the King to obtain their advice and counsel in matters concerning the State, and government of the Kingdom, and the tranquillity of the people committed to his care." It does not appear whether the Welsh Members attended or not, but no other summons occurs in this reign.

The proceeding on the Revocation of the Ordinances, declared the Legislative authority to reside only in the King, with the Assent of Prelates, Earls, Barons and Commons assembled in Parliament, and that every Legislative act not done by that authority, should be void and of none effect. It declared the Constitutional Law of the Realm on this important subject, and, with regard to the distinct powers of the several persons, fixed a basis different from that in the Charter of John, though that basis was not founded on Statute, but "Custom." This Statute is the *First Solemn Act* by which the Constitution of the Legislative Assembly was distinctly described after the Charter of John, which appears to have been abandoned as a Legislative declaration, though probably, truly describing the component parts of a Legislative Assembly, lawfully to be convened at that time, according to more ancient custom, for the purpose of granting extraordinary aids to the Crown. The present Statute extended to all Legislative purposes. The words of former custom must have applied to what had been immediately before accustomed in times of internal peace and orderly government. Rep. 282-3.

In what character, the Earls, Barons, Knights, Freeholders, and Communities of Counties assumed a right to charge the ancient Demesnes of the Crown does not appear. If the Knights could have been considered the Representatives of the Tenants in ancient Demesne, the Earls and Barons could not; and if the whole Parliament was considered as the King's Council, and the Assessment was considered as a Tallage of the Demesnes of the King, assessed by his Council, the Citizens and Burgesses ought also to have concurred. They were not, however, considered as part of the Communities of the Counties. Rep. 283.

The Commons were discharged on the 19th of May, but the proceedings extend into the 16th Edw. 2, or after the 7th July. Much of the private business, on petitions, &c., may have been transacted after the Commons departed, then a common practice, in matters not of a legislative nature.

The grant, May 2, of one man at arms, &c., appears in the Parliamentary Writs. This grant may have been an answer to the King's Writ of April 5, "affectionately requesting" a grant of soldiers, or any other aid, from many cities, &c. It appears probable, however, from a return made by the town of Swavesey, 8 June, that the King's Letters were for a voluntary contribution of men and money beyond any such

November 14. (Sunday next after F. of St. Martin.) 1322.
A Parliament assembles at Rippon. A. R. 16

Writs are issued to the Archbishops, and 19 Bishops, *without* the Clause, 29 Abbots, 2 Conventual Priors, the Prior of St. John of Jerusalem, (omitting the Master of Sempringham) to 10 Earls, 52 Barons, 23 Judges and Members of the Council, and to all the Sheriffs.

Many Prelates excuse themselves. The Bishop of Worcester is so ill that "he cannot ride." The Bishop of Carlisle cannot come from "want of horses and outfit." Many others appoint Procurators to appear "in Convocatione apud Rypwn."

The place of meeting is altered to York, by Writs, 30 Oct. (v)
 The Commons attend 15 days, to Nov. 29.

January 14. (Morrow of St. Hilary.) A Provincial 1323.
Convention, or Convocation, of the Prelates and Clergy A. R. 16
 of the Province of Canterbury, is held at Lincoln, by the Archbishop of Canterbury; and a similar Assembly, at York, by the Archbishop of that See; in pursuance of Writs by the King, to the two Archbishops, and of a Writ by himself, (tested Dec. 2) to 45 Abbots, one Conventual Prior, the Prior of St. John, and the Master of the Order of "Sempringham," for an aid.

The Clergy refuse any further concession of monies without the authority of the Holy See. (w)

May 15. A Council is called to York.

Writs directed to 6 of the Council, command them to attend "cum omni festinatione qua de die et nocte poteritis."

grant. Swavesey being "an upland town," and not a borough, the township could not be charged with any greater number of men, "than the one man granted in Parliament, who will be ready, &c., 24 July." P. W. II. 305. See also the Writ for Service, 23 Feb., 1323.

This grant from the Clergy was afterwards made at Lincoln, Jan. 14, 1323.

(v) P. W. II. This Parliament, says the Editor, II. 335, is distinguished by the great variety of expressions used in describing it, as Tractatus, Parliament, Council, Colloquium, Convocation, which shew the laxity of language employed in ancient documents to designate the supreme Council of the Realm. There is, however, no evidence of business done. Prynne notices (p. 180) that the returns of the Sheriff of Norfolk for 13 and 16 Edw. 2, are more formal than any of that age. By the Return (15 Edw. 2) for the City of Lincoln, the Mayor and "Cominalty" had elected Two Citizens, but one refusing to attend, another is elected, and probably accepted upon a Certificate under the City Seal. Cities formerly had the custom of returning Three or Four Citizens upon Writs requiring only Two. See Prynne, p. 377, for an instance of this, an. 15, Edw. 2, and sundry others in the same, and following reigns, 6, 7, 8 Edw. 2; 1, 6, 9, 11, 12, 14, 18, 20, 21, 22, Edw. 3, 6 Richd. 2.

The Writs "for Expenses" at this Parliament say, "for Knights, or for 'Valletti' returned in the stead of Knights, the former to be paid 4s. per diem, the latter 2s., for 15 days."

(w) P. W. II. The Clergy were thus assembled in two distinct Conventions, wholly unconnected with the Parliament, for the purpose of granting an Aid to the Crown, separately and distinctly; a practice arising probably from the Claims of the Clergy of exemption from all temporal power in their Spiritual Characters, and consequently with respect to the Property which they distinguished as their Spiritualities." Rep. I. 284. It is uncertain whether application respecting the Subsidy was made to the Pope, or what was the result on this occasion. According to former precedents, the Pope issued his Mandate for the payment of such Subsidies.

The last was a. r. 15., when, by Licence from the Pope, the Clergy granted a Tenth, for one year. Parl. Hist. I. 159 and 177. According to Knighton and Holingshead, "the Clergy of the Province of Canterbury gave five pence of every Mark, and those of the Province of York, four pence."

May 23. (Monday of H. Trinity.) A Council is summoned to York.

Writs are addressed to the Archbishop of York, Bishop of Exeter, Treasurer, and to 13 Judges and others of the Council. (x)

1324.

A. R.

17

Jan. 20. (Oct. St. Hilary.) A Parliament, "Colloquium et Tractatus," is summoned to Westminster.

Writs issue to 10 Earls, 49 Barons, to the Bishop of Exeter, Treasurer, and 20 Judges and of the Council, and to all Sheriffs.

The King has "supplicated" the Archbishop of Canterbury to hold a Convocation of the Prelates (exempt and not exempt) and of the Clergy of his Province, at the Church of St. Paul, London, on this day, for the Conservation of the honour and state of his Church and of the Kingdom; and separately commands the presence of 23 Abbots, one Conventual Prior and the two Masters. A similar Writ has been addressed to the Archbishop of York for a Convocation at York.

The Parliament and Convocation are postponed.

Feb. 23. (3 weeks of the Purification.) The prorogued Parliament meets at Westminster.

Writs of Summons had issued to the Archbishops, and 17 Bishops, with the Clause, to 27 Abbots, 2 Conventual Priors, to the two Masters, to the Earl of Chester (the King's Son) and 9 Earls, 49 Barons, the Bishop of Exeter, Treasurer, 22 of the Council, and to all the Sheriffs. Writs are also directed to the Warden of the Cinque Ports, for 2 Barons, to appear from each Port.

By further Writs, the Archbishops of Canterbury and York are to discharge their Clergy from attendance at St. Pauls and York, 20 Jan.

By a Mandate from the Archbishop of Canterbury, the Clergy are required to appear in the Parliament, Feb. 23, and in obedience to a Second Letter, issued to the Archbishop, he commands the Bishops to enforce the *Præmunientes* Clause.

Many excuses are sent by the Priors and Abbots, on account of illness, and "many and various impediments affording lawful cause of excuse from attendance in the Parliament," together with Letters of Procuration, naming their Proxies.

The Military Order of Templars having ceased, and being dissolved, it pleases and seems to the King, Magnates, and others, for the health of their souls, that their lands shall be assigned to other men of religion, it is therefore agreed, provided, and enacted, by the King, Prelates, Earls, Barons, "et alios Proceres," that all the lands shall be assigned and delivered to the Order of the Hospital of St. John of Jerusalem, &c.

Writs, reciting the substance of this Statute, are sent to all the Sheriffs for proclamation, to the Bishop of Durham, Earl of Chester, and Justices of Wales.

The Ordinance for the State of Ireland, and the Statute "*de Prerogativa Regis*," are of this year. (y)

(x) P. W. II.

(y) P. W. II. The Mandate by the Archbishop of Canterbury to the Prior and Chapter of Christ Church, Canterbury, directing the former to appear in person, and the Chapter by one Procurator, (tested, Lambeth, 7 Dec.) says, "The King had re-

May 27. (*Sunday after F. of Ascension.*) A Parliament or Council, "Tractatus," is held at Westminster, 1324.
A. R.
17

"To treat on certain great, and very urgent, Affairs."

Writs are issued "sub privato Sigillo" to the Archbishops, Bishops, Earls, Barons, and other "Proceres," to 15 of the Council, and to all the Sheriffs, to make proclamation, that *all* Knights "omnes et singuli de eadem Balliva, tam infra Libertates quam extra, sint ad nos ad Westminster," on the Wednesday, after Sunday as above, 30 May, to treat and advise with the Prelates, Earls, Barons and Proceres; the Sheriff to attend with the names of all and singular the Knights, and other Men at Arms in his Bailiwick, and whole Fee. (x)

October 20. (*3 weeks after Michaelmas.*) A Council, "Colloquium et Tractatus," is held at Salisbury. 1324.
A. R.
13

Writs are issued to the Archbishops and 19 Bishops, the Earl of Chester, (King's Son), 8 Earls, 46 Barons, and to all Sheriffs, to send Two of the best and most discreet Knights, *or others*, of his Shire, to treat with the Prelates, Proceres and some others "de regno." Other Writs change the place to Westminster or London, and additional summons for attendance, are directed to John de Britannia, Earl of Richmond, to 9 Abbots and the Archdeacon of Northampton.

The Knights attend 21 days, to Nov. 10. (a)

Jan. 14. (*M. of Oct. Epiphany.*) A Council is summoned to Westminster, before the Bishop of Exeter, Treasurer, R. de Baldok, Archdeacon of Middlesex, Chancellor, and others of the Council. 1325.
A. R.
18

March 3. (*Second Sunday in Lent.*) A Council, (Colloquium et Tractatus cum Prælati, Magnatibus et Proceribus Regni) is summoned to Winchester.

Writs are directed to the Archbishops and 15 Bishops, 21 Abbots, 1 Conventual Prior, the Prior of St. John of Jerusalem, to 9 Earls, (including the Earl of Chester) and 50 Barons.

The place and day are altered afterwards to Westminster, 14 April.

requested the Archbishop to hold a Convocation," but the Mandate does not set out the Writ. This omission was probably founded on the former objections of the Clergy.

Among the Parliamentary Writs, is a Roll, dated Westminster, 23 Feb., with the names of the Proxies of the Clergy. Its Second Membrane contains the names of the Knights, Citizens and Burgesses, who attended this Parliament with the length of their stay. There is also, at p. 378, a List of the Counties and Towns sending Members.

These Ordinances and Statutes seem to have been by the King and Council. Rep. f. 285. The Writ de Expensis states the Knights and Burgesses to have attended 24 days, for which the former are to be paid, including two days coming and two returning, 14 marks, and the Burgesses at 20d. per day, 6 marks, 6s. and 6d.

(x) "It is difficult to decide, says the Editor of the Parl. Writs, whether this singular and anomalous meeting is to be considered a Council, or Military Array." A List of the Knights and Men at Arms throughout England, is given in the returns to these Writs. P. W. II. 353. The Writs are tested 9th May, and the return is for the 27th and 30th, a short interval.

(a) P. W. II. A Writ issued previously to this Parliament, 8 October, commands the Archbishop of Canterbury not to assault, affront or waylay the Archbishop of York, about to repair to London.

The Writs for Expenses of the Knights for Cornwall, state that they had attended the Parliament 21 days, and had been 7 days coming and 7 days returning, at 2s. 6d. per day. The payment was always to vary according to the distance.

April 14. (Oct. of Easter.) A Council, "Colloquium et Tractatus," is summoned to Westminster.

Writs are issued to the Archbishops and 15 Bishops, 4 Abbots, 1 Conventual Prior, and Prior of St. John, to the Earl of Norfolk, (Earl Marshall) the Earl of Chester, and 5 others, and to 43 Barons.

The Council is put off.

1325. *June 25. (M. of Nativity of St. John Baptist.)* A
A. R. "Parliament," "Colloquium et Tractatus," is held at
18 Westminster.

Writs are addressed to the Archbishops and 15 Bishops, without the Clause, 3 Conventual Priors, Prior of St. John, 2 Magistri, (Archdeacon of Northampton, and the Dean de Arcubus, London,) to 5 Earls and 39 Barons. To the Constable of Dover, Warden of the Cinque Ports, and the Mayor, Barons and Bailiffs of 3 Ports, for 2 Barons from each Port.

This Parliament is called on the affairs of the Kingdom and Dutchy (of Gascony.)

A Petition from those who hold Manors in Chief of the King, as well within Forests as without, on approvements of Lands, is answered, that without the Representatives of the Commons, the prayer cannot be granted. Other proceedings take place on private Petitions. (b)

1325. *Nov. 18. (Oct. St. Martin.)* A Parliament is held
A. R. at Westminster.
19

Writs are addressed to the Archbishops and 17 Bishops, with the Clause, 27 Abbots, 3 Conventual Priors, (of whom one, the Prior of Bridelyngton, is erased, with the note, "Nichel tenet de Rege") the Prior of St. John, to the Earl Marshall and 3 other Earls, 40 Barons, to all the Sheriffs, to 23 of the Council, to the Constable of Dover and Warden of the Cinque Ports, for 2 Barons from each Port.

As upon former occasions, many Excuses, and Letters of Procuracy, are received.

Many Petitions of a public nature are answered by the assent of the whole Parliament; but a Petition of the Commons complains that many such before the King and Chancellor are adjourned and no issue made.

The Knights of the Shire are in attendance till Dec. 5, 26 days. (c)

(b) P. W. II. The Writs expressly call this a Parliament, though none of the inferior Clergy, no Knights, Citizens, or Burgesses, are summoned. "If, says the Report, 286, no Writs issued to the Sheriffs, this, as well as other records, demonstrate that the Knights, &c., were not then deemed essential to the holding of a Parliament for all purposes, though the Statute of York (13 Edw. 2) demonstrates that their assent was then deemed essential to the authority of a new law to the extent expressed in that Statute. The Convention of the King's Parliament did not necessarily include the Convention of a Legislative Assembly in Parliament; and the Convention of a Parliament, not including the Legislative Assembly, was the Convention of a Council or Court of Justice only, though properly denominated the King's Parliament, according to ancient usage." The Writs state that the business respects his Kingdom and Dutchy (of Gascony), for the defence of which, the King had before summoned the service of his Tenants in Chief, and of the Cinque Ports. The Convention was probably not intended for the purpose of obtaining any pecuniary aid from the people at large, and therefore the presence of Representatives of Counties, Cities, and Boroughs, was not deemed necessary. (p. 472).

(c) P. W. II. It is to be remarked that, from this time forward, Writs seem to have continually issued to the Wardens of the Cinque Ports. (Rep. 472.)

Oct. 13. (15 of St. Michael.) A Council is summoned to Stamford.

1326.
A. R.
20

A Convocation of the Provincial Clergy having been cited for the same day at London, the King, by Writ, requests the Archbishop of Canterbury to prorogue it, which is done, to the Morrow of All Souls, Nov. 3.

Oct. 26. An Assembly takes place at Bristol, "the King having absconded," in presence of Queen Isabel and the Duke of Aquitaine (the King's eldest Son.)

This meeting is attended by the Archbishop of Dublin, 5 Bishops and other Prelates, the Earls of Norfolk and Kent, (the King's Brothers,) the Earl of Lancaster, and another, 6 Barons, and other Barons and Knights. By assent of the whole "Communitas" of the Kingdom, the Duke is chosen Custos or Regent, in the name and by the Authority of his Father, the King, whilst the latter shall continue absent. (d)

Dec. 14. (15 of St. Andrew.) A Parliament is summoned to Westminster.

It is intended that a "Colloquium et Tractatus" shall be held by Isabella, Queen Consort, and Edward, the King's eldest Son, and by the Prelates, Proceres and Magnates of the Kingdom.

This Parliament is prorogued to (e)

Jan. 7, (Morrow of Epiphany.) at Westminster,

1327.
A. R.
20

To treat with the King if he shall be there in person, or in case of his absence, with the Queen Consort and the King's Son.

Writs are issued to the Archbishops and 16 Bishops, with the Clause, and Second Letters to enforce the Præmunition, 19 Abbots, to the Earl of Norfolk, (Earl Marshall) 6 Earls, 47 Barons, to 23 of the Council, to the Warden of the Cinque Ports, and to all Sheriffs. A Writ is also addressed to Richard Damery, Justiciary of North Wales, to cause to come 24 Men of those Parts, Welsh and English, ad consentiendum, &c.

Articles are exhibited against the King, who is deposed by the Lords and Commons assembled in Parliament. He formally resigns his Crown to his Son, who is proclaimed King by the name of Edward the Third.

The Knights of the Shire attend the Parliament at Westminster, 69 days, coming and returning. (f)

The Writs "de Expensis" say, the Knights attended 26 days in the Parliament at Westminster, "coming to and returning home." They were to be paid 4s. per diem, and those, who, *not being Knights*, attended as such, 3s. per diem each (£3 18s.) It is not clear whether their journeys were included in their "attendance." If so, on a former occasion, 14 days were to be deducted from the actual presence of the Knights from Cornwall, who had "attended" 21 days. Rolls 13, Edw. 2.

(d) The same day, the Duke undertook the Government, and the King having returned, Nov. 20, application is made to him, by consent of the "Communitas," for the Great Seal, which he gives up.

(e) "This Writ," says the Editor of Parl. Writs, (II. 453, note) "tested, 'Edwardo Filio nostro primogenito,' could never have passed the Great Seal, and consequently is not recorded upon the Close Rolls, which were with the King."

(f) The Representatives for North Wales were summoned, Jan. 11, after the Parliament had actually assembled. No election is directed, and Damery is to consult with others as to the proper persons to be returned, who are not required to have full powers, &c. There is no evidence of any Welsh Representatives for this Parliament. No attempt for Representatives, for either North or South Wales, appears to have been afterwards made, until an Act passed for the purpose in the reign of Henry 8. (Rep. 289.)

EDWARD III.

(Jan. 25, 1327.)

1927. *Feb. 3. (M. of Purification.)* The last Parliament
A. R. 1 is continued.

The Proceedings against Thomas, Earl of Lancaster, are reversed.

A Law on Alienation of Lands holden in Chief of the Crown passes.

Sept. 15. (M. of Exaltation of H. Cross.) A Parliament, "Colloquium et Tractatus," is held at Lincoln.

Writs are issued to the Archbishops and 18 Bishops and their Vicars, with the Clause, to 19 Abbots, 6 Earls, 46 Barons, to all the Sheriffs, and the Warden of the Cinque Ports, and 14 of the Council.

A *Second* Letter is addressed to the 2 Archbishops. (g)

1928. *Feb. 7. (Sunday after F. of Purification.)* A Parliament,
A. R. 2 "Colloquium et Deliberacio," meets at York.

Writs are addressed to the Archbishop of York, and Keeper of Spiritualities of the See of Canterbury, with the Clause, "Præmunientes Decanum et Capitulum Ecclesie vestre Archid. totumq., Clerum vestre Diocesis quod idem Dec. et Archid. in propriis personis dictumq., Capitulum per unum, idemq., Clerum per duos Procuratores," &c., to 16 Bishops, the Keeper of the Spiritualities of 2 vacant Bishoprics, and the Vicar general of an absent Bishop, with the Clause, *mutatis mutandis*, to 19 Abbots, 6 Earls, 50 Barons, 8 of the Council, to all the Sheriffs, and to the Warden of the Cinque Ports. A *Second* Letter to the Archbishops, commands them to enforce the Clause directed to the Bishops, for the appearance of the Priors, Deans and Chapters, Archdeacons, and whole Clergy of their Diocese. (h)

Some of the "Excuses" in this Parliament are sufficiently amusing. "The *Prosy* for the Prior and Convent of Canterbury (Cant. 4 Jan.) requests to be excused, as it is feared that the Parliament at London will continue a long time."

The Writs, "*de Expensis*," direct the payment of 4s. per diem, varying according to the distance, for the Knights. Westminster, 9 March.

(g) The Placita of this first Parliament, are "*coram Rege et Concilio suo, in presentia Dom. Regis, Procurum et Magnatum regni, in Parlamento suo*," a variation from the usual course. The great Court of Justice, "*Curia Regis*," generally consisted of a selected Council, (distinguished from the Prelates, Earls and Barons assembled in Parliament) and of which the Justiciary, whilst that office remained, the Chancellor, and Justices of the Bench, formed a part. This selected Council, when assembled in the King's Parliament, administered Justice, as the Supreme Court, both by way of Original and Appellate Jurisdiction. A part of that Jurisdiction is now vested in the Lords Spiritual and Temporal in Parliament assembled. When this Jurisdiction ceased to be exercised by the sworn Council of the King, and the part which remains was transferred to the Lords Spiritual and Temporal in Parliament assembled, has not been discovered. The transfer may have been gradual. The first symptom of it appears in this entry in the Roll, 1 Edw. 3, all the Lords Spiritual and Temporal summoned to the Parliament being apparently included. Rep. I. 226. See Rolls of Parl. II. Ed. 3. Ford. II. P. 2, 763, 712. Rep. IV. 376.

(h) Rep. IV. 378. Ford. sub anno. It appears that the Parliament was sitting March 3.

April 24. (3 weeks after Easter.) A "Parliament," "Colloquium et Tractatus," meets at Northampton.

Sixty Seven Writs, stating, that, "from the absence of certain Prelates, Magnates et Proceres, the business at the last Parliament at York could not be terminated," are addressed to the Archbishop of York and Keeper of Canterbury, with the Clause as above, to 18 Bishops and 1 Keeper of Spire with the Clause, to 7 Earls, 50 Barons, 11 Judges and others of Council, to all the Sheriffs and the Warden of the Cinque Ports.

All the Writs forbid appearance at the Parliament with a tumultuous multitude of armed men, as has been the custom, &c. Tournaments are also forbidden in Town and Country, "quo prætextu nonnulli Magnates in Parlamento prædicto existentes, relictis negotiis nostris, ad Torneamenta et Burdeciis istas, divertere se properant."

The Scotch Convention is confirmed, "de communi consilio, consensu et assensu Prelatorum et Procerum, Comitum et Baronum ac Communitatis regni in Parlamento nostro."

The Parliament was sitting on the 18th May. (i)

July 31. (Sunday after F. of St. James Apostle.) A Parliament, ("Consilium," "Deliberacio," "Tractatus,") meets at York,

On business of the last Parliament left unfinished. Writs are issued to the Archbishop of York and the Keeper of Spire of Canterbury, with the Clause, and with a *Second* Letter, to 19 Bishops, with the Clause, 17 Abbots, 7 Earls (including Earl of Northolk, Earl Marshall, and the Earl of Kent, the King's Uncles), to 50 Barons, 10 of the Council, to all the Sheriffs, and the Warden of the Cinque Ports. (k)

Oct. 16. (Sunday after 15 of St. Michael.) A "Parliament," "Colloquium et Tractatus," meets at New Sarum,

On business still left incomplete from the absence of certain Prelates, "Magnates et Proceres." Writs are addressed to the Archbishop of York and Keeper of Spire Canterbury, with the Clause, 19 Bishops, with the Clause, the Prior of St. John of Jerusalem, (first time this reign) to 7 Earls, 48 Barons, 9 of the Council, to all the Sheriffs, and Warden of the Cinque Ports.

The Bishop of Winchester having departed without leave, the Sheriff of Southampton is commanded to send him before the King, wherever he may be, on the Octaves St. Hilary next, to answer for his absence.

The Bishop of Lincoln, Chancellor, and Walter Hervey, Archdeacon of Sarum, are appointed Commissioners for the King. (l)

(i) Rep. IV. 381. Fæd. sub anno.

(k) Rep. IV. 384.

(l) Rolls 2, Edw. 3. Rep. IV. 386. Fæd. n. e. sub anno. The Writ for the apprehension of the Bishop of Winchester is dated 11 Nov. Knighton, Coll. 2553, says this Parliament was hindered meeting, because the parties met on Salisbury Plain and began to fight. But it appears from the Rolls that it met, and that wages of the Knights, Citizens and Burgesses were ordered.

1329. *Feb. 9. (Oct. of Purification.)* A Parliament, "continuatum seu adjornatum," meets at Westminster.

A. R.
3

The Sheriffs of London are commanded to proclaim that all Archbishops, Bishops, Abbots, Priors, Earls, Barons, Knights, Citizens and Burgesses, and all others, who are come, or are held to attend the Parliament adjourned from New Sarum, shall be in their places at Westminster.

Two Commissioners are appointed for the King. (m)

March ... A Council, "Colloquium," is summoned, wherever the King may be.

Writs are issued to 8 Councillors. (n)

July 23. (Sunday M. of St. Mary Magdalen.) A Council, "Colloquium et Tractatus," is held at Windsor.

The Archbishops, 18 Bishops, 19 Abbots, the Prior of St. John of Jerusalem, 7 Earls, 61 Barons and Councillors are summoned. (o)

Dec. 7. (Morrow of St. Nicholas.) A Council is held at Northampton.

A Writ is addressed to the Archbishop of York. (p)

Dec. 26. (After F. of Nativity.) A Council meets. (q)

1330. *March 11. (Sunday before F. of St. Gregory, Pope.)*
A Parliament, "Colloquium et Tractatus," is held at Winchester.

A. R.
4

Letters are issued to the Archbishops, with the Clause, "Præmunientes Priorem et Capit," &c., that the Prior and Archdeacons appear personally, the Chapter and Clergy as before, with a *Second* Writ including *Deans*; to 19 Bishops, with the Clause, 27 Abbots, 2 Conventual Priors, the Prior of St. John of Jerusalem, 11 Earls, 50 Barons, 9 Councillors, to all the Sheriffs, and the Warden of the Cinque Ports. (r)

April ... A Council of Prelates and Nobles is held at Lambeth. (s)

July 9. (Monday after F. of Translation of St. Thomas, Martyr.) A Council, "Colloquium et Tractatus," is held at Oseneye.

The Archbishop of Canterbury, 17 Bishops, 19 Abbots, the Prior of St. John of Jerusalem, 8 Earls, 54 Barons and Councillors, are summoned, (t)

(m) Rep. IV. 389. Fœd. sub anno, 1329.

(n) Rep. IV. 389.

(o) Rep. IV. 390.

(p) Fœd. N. E., sub anno.

(q) F. N. E. II. P. II. p. 775. It is stated by a Writ tested Kenilworth, 3 d. December, that a Council of Prelates, Magnates and others of the Council, was called "ad certum diem citra instans festum Natalis Domini," on the business of the King of France.

(r) Fœd. N. E., sub anno 1330. Rep. IV., 391.

(s) Fœd. N. E., sub anno. Shortly after April 15. A Writ tested, Wodestok, 13 April, inquires the names of those who adhered to the late Earl of Kent, who in the Parliament lately convoked at Winchester, acknowledged before the Magnates and Procees present, &c.

(t) Rep. IV., 394.

October 15. (*Monday before F. St. Luke Evangelist.*)
A Council, "Colloquium et Tractatus," meets at Nottingham.

The Archbishop of Canterbury, 16 Bishops, 19 Abbots, Prior of St. John of Jerusalem, 9 Earls, 50 Barons and others of the Council are summoned by Writs. (*u*)

Nov. 26. (*Monday after F. of St. Catharine.*) A Parliament, "Consilium et Tractatus," is held at Westminster. 1330.
A. R. 4

The Summons is of only 31 days. Business requiring a shorter summons than usual, the King, by the assent of his Prelates and Magnates, has, for this time, abbreviated the day, which "abbreviatio non cedat alicui in prejudicium vel trahatur in consequenciam in futurum." Writs issue to the Archbishops, with the Clause, for the premunition of the Prior and Archdeacons personally, and the Chapter and Clergy as before, to 19 Bishops, with the Clause, 27 Abbots, 2 Conventual Priors, the Prior of St. John of Jerusalem, 9 Earls, 47 Barons, 9 Judges, and others of the Council, to all the Sheriffs, and the Warden of the Cinque Ports.

A special Writ is addressed to the Archbishop of Canterbury, on the dissensions between the two Archbishops.

Proceedings are taken against Mortimer and his friends, by the Earls, Barons, "Peers of the Realm."

Thomas de Berkeley is tried on an accusation of being implicated in the murder of Edward II., and acquitted, "coram Rege in pleno Parlamento."

Keepers of the Peace are appointed, with new Provisions.

It is also accorded, that a Parliament shall be holden every year once, (and) more often, if necessary.

The Parliament sits till near Christmas. (*v*)

(*u*) Rep. IV., 295.

(*v*) Ford. sub anno, Rolls 4 Edw. 3. Statutes I. 263. Rep. IV. 397. The Writs are tested, Oct. 23, and appearance is required in 31 days. This shows, that the term of 40 days specified in the Charter of John, had hitherto been observed and was considered a necessary regulation. No second Letter issues to the Archbishops. According to the Ford. the Writs to the Sheriff of Lancaster for Knights, are tested, Nov. 3, which is a summons of 23 days. The special Letter to the Archbishop of Canterbury is two days after the meeting, "Parliamenti hac instanti die." Nov. 28. The Report (p. 391), says, it is remarkable that in the Record of the Proceedings of this Parliament, no mention is made of the Commons, though they undoubtedly appeared, and some of the entries were likely to have proceeded from petitions of the Commons.

It appears from the judgment on Mortimer and others, that the Peers were then a distinct body, separate and apart from the Commons, as Judges of the Parliament, as they still are, and that there was no distinction of degrees between Earls and Barons, except as such. Though the assent of Parliament seems to import the whole Parliament, yet it is expressed, that it was assented and agreed by the King, "et le grantz de meime le Parlement." Rep. 300. The conduct of the Peers is difficult to explain. They protest against judging Simon de Beresford, because he was not their Peer, and suffer Thomas de Berkeley, who was their Peer, to be tried by a Jury of Knights "coram Rege in pleno Parlamento."

The P. H. I. p. 200, says a very singular Writ was sent to all the Sheriffs, in which the evil designs of the late Minister in "packing" Parliaments is openly declared, and shows that this practice has a much earlier date than either of this, or the last century. A translation of which out of the public Acts, in old French, claims a place. (Acta Publica, T. IV. p. 453.) "Since we have been informed that several oppressions and hardships have been put upon many of the People of this Realm, by some that were our Ministers in divers offices, aided by some of our Nobility, as well Privy Councillors as others, &c., and because that before this time, several Knights Representatives for Counties, were people of ill designs and maintainers of false quarrels, and would not suffer that our good subjects should shew the grievances of the common people, nor the matters which ought to be redressed in Parliament, to the great damage of us and

1331. *April 15. (Monday, Morrow of 15 of Easter.)*
 A. R. 5 A "Parliament" is summoned to Westminster. "Coll.
 et Tract. cum Prælatiſ, Magnatibus et Proceribus
 Regni."

Writs issue to the Archbishops and 19 Bishops, *without* the Clause, 27 Abbots, 2 Conventual Priors, Prior of St. John of Jerusalem, 10 Earls, 43 Barons, 13 Councillors, to all the Sheriffs, and to the Warden of the Cinque Ports.

This Parliament is revoked, 23 March. (*w*)

A. R. 5 *Sept. 30. (Morrow of St. Michael.)* A "Parliament" is held at Westminster. "Colloquium et Tractatus."

Writs are addressed to the Archbishops, with the Clause, for præmunition of the Priors and Chapters, Archdeacons and Clergy, but without a Second Letter. They are directed to appear *on the day*, as their frequent absence from Parliament and Convocations till long after they meet, occasions much delay and loss, to 19 Bishops, with the Clause, 27 Abbots, 3 Priors (as before), 10 Earls, 47 Barons, 12 of the Council, to all the Sheriffs, and Warden of the Cinque Ports.

The Bishop of Winchester, Chancellor, declares the Cause of Summons.

The Prelates, Earls, Barons, and other "Grantz," consult separately.

Regulations are made on the State of Ireland, by the King, Prelates, Earls, Barons, "et autres Grantz."

It is ordained, "That the King, in person, shall go to Ireland, but to prepare his way, a certain number of Forces, under able Commanders, shall be sent before him; and that those especially that hold any lands there, shall go speedily over for the defence of that Kingdom. That all Learned Men in the Law, who shall be appointed as Justices, shall by no means be excused on any pretence whatsoever, and that search shall be made into his Majesty's Records, to see what methods had been formerly taken for civilizing and well governing the people of Ireland."

Another Statute, containing many important provisions "pro Communi utilitate," is made by the same.

The Restitution of Aquitaine is resolved on, instead of proceeding by process of war with France.

It is enacted, that no Purveyance of Victuals shall be made, but for the Royal Family, and that, by good warrant, and ready payment. (*x*)

our subjects; we, therefore, charge and command that you cause to be elected with the common consent of your County, two of the most proper and sufficient Knights or Sergeants of the said County, that are the least suspected of ill designs, or common maintainers of Parties, &c." (For Sergeant, see Jacob's Law Dictionary.) This Writ does not appear in the App. to the Rep. IV. 238. But the Writ in the Fœd. II. P. II. p. 800, "De Querelis coram Parlamento deferendis," directs that such two Knights or Servientes, "de maxime fidelibus," shall be chosen from each county, tested Wodestoke, 3d day Nov., per ipsum Regem.

The appointment of Keepers of the Peace was an older institution, but the new Statute "seems to have been the origin of the Justices of the Peace of the present day," Rep. I. 301. The Provision as to an Annual Parliament, had probably in view the Administration of Justice by the King's Court in Parliament, 302.

The duration of the Parliament is taken from the P. Hist. I. 210; but it appears from the Fœd. n. e. II. 806, that, on the 22d Jan., 1331, a. a. 4, the Parliament was then "instans."

(*w*) App. Rep. IV. 402.

(*x*) The language of the Writs implies that the Statutes were made by the King and Lords only, at the request of the People. The Commons were generally Peti-

Nov. 5. A Council (secret) on Irish affairs is called.

The Earl of Ulster, Earl of Ormond, Archbishop of Dublin, and 2 others are summoned (y)

Jan. 20. (Oct. *St. Hilary*.) A Council, "Colloquium et Tractatus," is held at Westminster. 1332.
A. R. 5

Writs issue to the Archbishops, 19 Bishops, Prior of St. John of Jerusalem, 17 Abbots, 9 Earls, 47 Barons. (z)

March 16. (Monday after *E. of St. Gregory*, Pope, 1332.
March 12.) A "Parliament," "Colloquium et Tractatus," meets at Westminster. A. R. 6

Writs are addressed to the Archbishops, with the Clause, for Prior and Chapter, &c., and stating that on this urgent occasion (the question of a Crusade for the Recovery of the Holy Land) no Procurators or excuses will be admitted; with a Second Letter enforcing that to the Bishops and admitting procurator; to 19 Bishops, with the Clause, to 28 Abbots and the 3 Priors as before, likewise to 23 other Abbots not usually summoned, to the Master and the Prior of Sempyngham, and 3 other Conventual Priors, to 11 Earls, 67 Barons, 16 of the Council, to all the Sheriffs and the Warden of the Cinque Ports.

Two Proclamations are made against any man wearing a Coat of Mail, or carrying weapons offensive or defensive in London, Westminster, or the Suburbs, and against Children or others playing any games (Bars or pulling off Hats) in the Palace at Westminster, during the sitting of Parliament.

The Bishop of Winchester, Chancellor, declares the cause of Summons.

The subject of the Crusade is unanimously deferred for more pressing matters at home.

Deliberations are held on keeping the Peace and the chastisement of offences, which, the Prelates state, did not properly belong to them. The Prelates and Procurators of the Clergy go by themselves to consult. The Earls, Barons and "autres Grauntz" by themselves. They give an answer, and propose Regulations for the keeping of the Peace, which are agreed to by the King, Prelates, Earls, Barons et "autres Grauntz," and by the Knights et Gentz du Commun, who authorize Declarations of excommunication, and other Censures of the Church, against disturbers of the public Peace.

March 21, (the Saturday following.) The Commons and Clergy have leave to depart, but the Prelates, Earls, Barons, "et Gentz du Conseil le Roi" remain, as the King desires their advice on important matters.

tioners, the Lords assenting, as the King's Council, to the final approbation by the Royal Assent. (Rep. 312.) Perhaps, the Magnates et Proceres were the persons really consulted when no grant was made to the Crown, and the assent of the Commons was only required to what the Magnates et Proceres had before determined. See Rep. App. IV. 402. P. II. 210, &c. Rolls of P. II. The *Fœd.* II. p. 2, 824, allude to the Parliament then holding, 8th, 15th, and 16th October, 1331, when Tournamens and other Feats of Arms are forbidden. In this Parchment, it appears by the Rolls, that all grants and "accords" are made by the King, Prelates, Earls, Barons, "et autres grantz."

(y) App. R. IV. 405.

(z) App. Rep. IV. 406. See *Fœd. n. e.* II. P. II. 631. The Act for the Reformation of the Irish is tested Jan. 28, A. R. 6, 1332.

March 23, (Monday.) The Form of Commission for the Keepers of the Peace is adopted, and other matters are done, "en pleyn Parlement." (a)

Sept. 9. (Wednesday M. of Nativity of B. Virgin.) A "Parliament," ("Colloquium et Tractatus,") assembles at Westminster.

Writs issue to the Archbishops, on the subject of Ireland, without the Clause, to 19 Bishops, 28 Abbots, 3 Priors, u. a., 11 Earls, 66 Barons, 10 Judges and Councillors, to all the Sheriffs, and to the Warden of the Cinque Ports.

A Letter is also addressed to the Archbishop of Canterbury against quarrels and dissensions with the Archbishop of York.

The Proclamations are read as before, and the Bishop of Winchester declares.

Thursday. The Parliament deliberates on the subject of Irish affairs, the Prelates, *by themselves*; the Earls, Barons et "autres Grauntz," *by themselves*; and the *Knights of Counties, by themselves*.

Friday, 11. M. le Scrop, asks all the "Grantz du Parlement," and also the Knights of Counties, their counsel and advice.

An Answer is given by the persons so assembled, and in pursuance of the advice so given, the Parliament grants an aid for the purposes proposed. The Prelates, Earls, Barons et "autres Grantz," and Knights of Counties, "et tote la Coe." grant to the King the 15th Penny, to be levied of the "Coalte.," and the 10th Penny from the Cities and Burghs and Demesnes of the King, the King granting, that, in future, "Tallage shall not be assessed, but as it had been done in the time of his Ancestors, and as it ought to be by reason."

On the Third day of meeting, the King by advice of his "Grauntz" and the Knights, is to proceed to the North against the Scots, without further attending the business of the Parliament; and the ordinary business is put off. (b)

(a) App. Rep. IV. 408. The separation of the Prelates is a remarkable instance of the attempts of the Clergy to separate themselves from the Laity, and perhaps will serve to explain why many laws appear to have been made without the concurrence of the Prelates. (303.) It is evident that the Commons were not included in the words "autres grauntz," who may have meant the Judges, &c., summoned as Assistants. The Earls and Barons, and these Persons, generally advised what regulations should be made for redress, and what they proposed was submitted for the consideration of the Commons, unless the business originated in Petition of the Commons. From the entry of "pleyn Parlement," after the departure of the Commons, it seems that their presence was not deemed necessary to constitute a full Parliament for purposes not legislative. Rep. 304. We learn from Barnes, Edw. 3, "that during the time of this Session, it was proclaimed, that 'no Games, or other Plays of men, women, and children, should be used in Westminster, to the disturbance of the Parliament.'"

The Parl. Hist. I. 214, says, "the Representatives of the Commons consulted apart," which, indeed, they must have done when left by the others, but that "they at that time had no particular Speaker." The Parl. Hist. mentions, among other business done, that the Irish Expedition was postponed, but that an army was to be sent to that country. (216.) Rolls, 6 Edw. III.

A Proclamation, tested, Wodestoke, 25 d. July, "De Navibus pro Passagio Regis, &c." Ford. II. P. II. p. 841, says, "Cum in Parlamento nostro nuper apud Westm. tento, per Prelatos, Magnates et Proceres regni nostri fuisset concordatum, &c."

The Ford. II. P. II. 878, contain a Writ, tested a Justiciario, apud Dublin, 14 d. Feb. a Ed. 3, octavo, which speaks of a Parliament "*nuper summonitum apud Dubliniam, die Lunæ, prox. post Festum Assumptionis B. M. anno regni nostri sexto* (Aug. 17). This *nuper* alludes then to an event which occurred two years before, and may instruct us as to its indefinite application in other instances.

(b) Rep. App. IV. 411. See also 303 and 6, for a consideration of the nature of these Grants. There seems grounds for inferring that, at this time, the Grants of the Cities and Boroughs in Parliament were intended to supersede the King's right of Tallage of

Dec. 2. (Friday before F. of St. Nicholas.) A "Parliament," (*Colloquium et Tractatus*) meets at York. 1332.
A. R.
6

Writs are directed to the Archbishops to treat with the Prelates, Magnates et Proceres, *without* the Clause, to 19 Bishops, 28 Abbots, 3 Priors, (u. a.) to 11 Earls, 65 Barons, 8 of the Council, to all the Sheriffs, and the Warden of the Cinque Ports.

The "Grauntz" not being arrived, the meeting is adjourned to the following Tuesday.

On the first of December, Commissioners are named to open the Parliament.

In the opening, the King's Prolocutor, M. G. le Scrop, states the advice given in the last Parliament, and the debate of the Clergy by themselves, the Earls and Barons by themselves, and the Knights of Counties by themselves, and that the King now asks advice of ses "bones gentz et Liges de son Roialme," and his Prelates, whether he is to be assisted by service as his Ancestors, or "la value." Whereupon, the Prelates and Clergy by themselves, the Earls and Barons by themselves, and the Knights, et Gentz des Countez et Gentz de la Coe. by themselves, treat of the business till the Friday following, (Friday before F. St. Lucy, Dec. 11); and then the Prelates by themselves, the Earls and Barons by themselves, and the Knights by themselves, and then all in Common, give an answer to the King, that without the Assistance of several Prelates and other "Grantz," who were not present, they dare not advise the King; and request him to continue the Parliament to the Octaves St. Hilary, and to charge the *absent* Prelates, &c., to be at York at that time, to which the King agrees, and those present are commanded to attend without further summons.

Jan. 20. (Wednesday in Oct. St. Hilary.) A pro-rogued "Parliament" is held at York. 1333.
A. R.
6.

Writs had been issued to those who were absent, namely, to the Archbishop of Canterbury, 17 Bishops, 26 Abbots, 2 Conventual Priors, 5 Earls, and 37 Barons; specifying the advice to continue the Parliament, given by the Prelates, "Proceres ac Milites Comitatum."

Proclamation is made, and Receivers and Tryers (Termineurs) appointed as before. The Prelates, Earls, Barons and Procurators consult by themselves, and the Knights and "Gentz de Commune" by themselves, and on the Tuesday following, Jan. 26, the Chancellor (Bishop of Winchester) dismisses them and

his Demesnes. The greatest part, if not all, the Cities and Boroughs sending Representatives to Parliament, were, or had been, part of the King's Demesnes, or in the King's hands, and as such liable to tallage; they might, therefore, consent to tax themselves in a mode which may have been less vexatious, and less burthensome to individuals, and yet produced more to the Crown, and therefore was accepted by the Crown, instead of Tallage. It seems difficult to account for the distinct charge constantly of a larger assessment on Cities and Boroughs and the King's Demesnes, than on the rest of the several Shires, except on the supposition, that the persons so charged with a higher Tax, were thereby redeemed from Tallage by the Officers of the Crown.

The Commons seem to have borne little part in the proceedings of this Parliament. Rolls, 6 Edw. 3.

It appears by a letter to the Archbishop of Canterbury, his Suffragan Bishops and Clergy, that, on that day, 2d Sept., they had appointed a "Concilium et Tractatum." The King commands that nothing shall be attempted in prejudice of the Crown, &c. Rep. App. I. 415.

The *Fœd. sub anno* (6) by a Writ appointing Collectors of Tallage, tested Wodestoke, 25d. July, allude to a Parliament, "lately held at Westminster;" and a. 7, a Writ, tested Sept. 27, declaring a grant to John de Nevill, &c., speaks of proximum Parliamentum.

orders the Prelates, Earls and Barons to remain till the next day. (c)

1333. Nov. 22. (*Monday after Oct. St. Martin.*) A "Con-
A. R. vocation" of the Clergy is summoned to London.

A Writ to the Archbishop of Canterbury, asks his advice and aid, and that of his Clergy.

A similar Writ to the Archbishop of York requires him to summon his Clergy to York on Nov. 29, (*Monday after F. of St. Catherine Virgin*), for the same purpose.

Second Letters, on account of the death of the Archbishop of Canterbury, directed to the Keeper of the Spiritualities of the Archbishoprick, and to the Archbishop of York, require a Convention for the former at Northampton, and for the latter at York, on Jan. 11, (*Monday after F. of Epiphany*.)

1334. Feb. 17. (*Thursday before F. of St. Peter in Cathedrâ.*)
A. R. 8 A Convocation is ordered to York.

Writs to the Archbishop, require a Competent Aid.

Letters are also addressed to the Archbishop of Canterbury, for the same purpose. (d)

Feb. 21. (*Monday before F. of St. Peter in Cathedrâ.*)

A "Parliament," (*Colloquium et Tractatus*), is held at York.

Writs are directed to the Archbishops, with the Clauses, "præmunientes Capitulum, Archidiaconos, totum Clerum, &c.;" to 19 Bishops, with the Clause, 28 Abbots, 3 Priors, (u. a.) 12

(c) *Fœd. sub anno*, Rolls, 6 Edw. 3, Rep. I. 306-7. On these proceedings, says the Report, it is observable, that the Knights, as well as Prelates, Earls and Barons, were distinguished from the Citizens and Burgesses, and frequently acted separately; and it seems evident, that when the Parliament was to act as the adviser of the Crown, the Prelates, Earls, Barons, and "Grantz," were most generally consulted, and sometimes the Knights of the Shires; but the "Gentz de Commune," or Citizens and Burgesses, seem to have been little regarded, except when an aid was required. The Parliament had not yet assumed its present form. The Lords and Commons were not considered as two Houses perfectly distinct, and acting separately, and on perfect equality in their different functions; the Knights of Shires appear to have been treated as of a higher order than the Representatives of Cities and Boroughs; and on this occasion, as on others, the Parliament continued after the Knights, Citizens, and Burgesses had been dismissed, and the Clergy, except the Prelates, so that their presence was not deemed necessary to the constitution of a Parliament, to which the Prelates, Earls, and Barons, were summoned. But the Proceedings after this dismissal, cannot have been in their nature Legislative; for that would have been contrary to the Declaratory Statute of 15 Edw. II. The Parliament probably then acted only as a Council of the Crown, to advise the King in the general administration of his government, and to act as a supreme Court of Justice.

According to Walsingham, p. 133, quoted by the *Parl. H.* I. 220, a Parliament was summoned to, and met at York, "on Monday, in the second week in Lent," about the beginning of March. Easter Day of 1333 being April 4, Ash Wednesday is on the 17th of February, and the first week in Lent would be from Feb. 17 to Feb. 23, and Tuesday, March 2, would end the second week. March 1, is the date here required.

It is said, that, upon this occasion, the King was advised to take decided measures against the King of Scots, and to compel his homage, that Balliol had been summoned, but refused to come, and that the Parliament proceeded to assist the King in purse and person.

There is no evidence on record of this Parliament; and the Parliament said to have been held at Edinburgh in the same year, at which the King of Scotland did homage to Edward, as Lord of that Kingdom, may have been that held in the following year.

The Rolls, II. 70, contain Petitions in Parliament, 7 Edw. 3, and the Editor refers to Ryley, 647, 650. The King's Brief for Sibilla, widow of John de Mohun, is tested, Wodestok, 26 d. Jan. A. R. 8. It was in answer to a Petition in the Parliament of A. R. 7.

(d) *Fœd. sub anno*. At. II. P. II. p. 876, are given the Acts of the Parliament held at Edinburgh on the Octaves of the Purification, (Feb. 9) anno gratie, secundum computationem Ecclesie Romanæ, 1334, et A. 2, regni Regis Edw. Balliol. Rep. IV. 425, &c.

Earls, 63 Barons, 21 of Council, &c. To all the Sheriffs, and to the Warden of the Cinque Ports; with a *Second Letter* to the Archbishops.

The Great Charter, the Forest Liberties, and other Statutes, are confirmed.

Several Acts are made. (e)

Sept. 19. (Monday after Exaltation of the Cross.) A "Parliament," (*Colloquium et Tractatus cum Prælati, Magnatibus et Proceribus*), is held at Westminster.

Writs issue to the Archbishops, with the Clause, including *Priors*, Chapter, Archdeacons and Clergy, to 18 Bishops, with the Clause, 28 Abbots, 3 Priors (u. a.), 12 Earls, 60 Barons, 23 of the Council and others, to all Sheriffs, and to the Warden of the Cinque Ports. A *Second Letter* is directed to the Archbishops, including Deans.

The Parliament grants a Fifteenth from the Lords and Knights of Shires, a Tenth from the Clergy, and the same from the Citizens and Burgesses. (f)

February 15. (Wednesday after Feb. 8.) A Council, (*Colloquium et Tractatus*), is held at Newcastle-upon-Tyne. 1335.
A. R. 9

The Archbishop of York is summoned.

March 26. (Sunday in Mid-Lent.) A Council, (*Colloquium et Tractatus*), meets at Nottingham.

The Archbishops, 5 Bishops, 5 Earls, 11 Barons, 6 of the Council and others are summoned. (g)

May 26. (Morrow of Ascension.) A "Parliament," is held at York, (*Colloquium et Tractatus cum Prælati, Magnatibus et Proceribus*).

Writs are addressed to the Archbishops, with the Clause, for *Prior*, Chapter, &c., and a *Second Letter*, including *Abbots* and Deans, to 18 Bishops, with the Clause, 28 Abbots, 3 Priors, (u. a.) 11 Earls, 60 Barons, 23 Judges and others of the Council, to all the Sheriffs, and the Warden of the Cinque Ports.

A Letter is also addressed to the Archbishop of Canterbury, not to molest the Archbishop of York on his journey.

Several Statutes are enacted "very serviceable to the Realm." (h)

July 3. (Monday after June 28.) A Council, (*Colloquium*), is held at York.

Ten Persons are summoned. Three others for July 8, (15 of John the Baptist.)

(e) Ford. s. a. Dugdale. Rep. IV. 422. The Parl. Hist. I. 221, gives the authorities for the proceedings of this Parliament.

A Writ (Ford. II. P. II. 876) to the Archbishop of York, commands him not to molest the Archbishop of Canterbury, coming to the King at Newcastle upon Tyne, for the despatch of arduous affairs. T. R. N. C. Ap. T. 12 d. June.

(f) Ford. s. a. Dugdale. Rep. IV. 427, &c. The Parl. Hist. I. 221, states the grant. Knighton (Col. 2865) writes that Edward Balliol came to this Parliament and did homage.

(g) Dugdale. Rep. IV. 449-1.

(h) Rep. App. IV. p. 443. Ford. sub anno. Dugdale's Summonses. Parl. Hist. I. 222. A Letter to the Archbishop of York (Ford. II. P. II. p. 904) commands him, as before, not to molest the Archbishop of Canterbury, about to attend the Parliament at York.

July 24. (Vigil of St. James Apostle.) A Council meets at York.

The Sheriffs of Yorkshire are directed to send Three or Four of the most sufficient and able men, from each Wapentake.

Writs are also issued to 60 Barons? and 3 others.

August 11. (Friday, Morrow of St. Lawrence.) A Council is held at York.

Writs are directed to 58 Barons?

August 31. (Thursday after F. of Assumption.) A Council meets at York.

Writs are directed to 2 Knights, and one other.

Other Writs, for Friday, Morrow of St. Bartholomew Apostle, Aug. 24, are directed to 6 Bishops, 5 Abbots, 1 Conventual Prior, to the Earl Marshall, (Earl of Norfolk) 18 Barons; to 17 Barons and others, for the Wednesday after St. Bartholomew. (i)

1336. *March 11. (Monday after Sunday in Mid-Lent.)*
A. R. 10 A "Parliament," (Colloquium et Tractatus cum Praelatis, Magnatibus et Proceribus), meets at Westminster.

Writs issue to the Archbishops, with the Clause, (including Priors and Chapter, Archdeacons and Clergy), 19 Bishops, with the Clause, 28 Abbots, 3 Priors, (u. a.) 11 Earls, 60 Barons, 16 of Council, to all the Sheriffs and to the Warden of the Cinque Ports. A Second Letter to the Archbishops, enforces the præmunition sent "Singulis Episcopis." The Archbishop of York is excused, but he is to send a sufficient Proxy. (k)

May ... (After the F. of Pentecost, May 19.) A Convocation is enjoined at York.

A Writ to the Archbishop of York, requests a competent Subsidy, as the Prelates and Clergy of Canterbury have granted a Tenth "de bonis suis Ecclesiasticis in Parlamento apud Westm." (l)

May 27. (M. of St. Trinity.) A Council is held at Oxford.

Writs are addressed to the Mayor, Aldermen and whole Community of the City of London, to send four of the most sufficient, considerable and most discreet Merchants of the City. Also to 21 other Cities, and to one Individual. (m)

June 28. (Friday after F. St. John.) A Council meets at Northampton.

Writs are directed to John de Pulteneye of the Council, and to 105 Merchants by name, from 19 different Cities and Villæ. (n)

(i) Rep. App. IV. 449-453. Ford. sub anno.

(k) Dugdale R. Ap. IV. 454, 7. Ford. s. a., which have also a Writ for the Expenses of Messengers from Scotland coming to the Parliament at London, by the King's command. T. R. Ap. Westm. 24 d. March. A Parliament is alluded to, held at York, on the Morrow of the Ascension, just passed, which cannot refer to this year, as the text is 18 d. April, whereas, in 1336, the Morrow of this Feast would be May 10.

(l) R. Ap. IV. 457. Ford. s. a.

(m) Rep. App. IV. 457.

(n) R. A. IV. 458. The Parl. Hist. I. 222, calls this a "Parliament" at Northampton, June 25, A. R. 10, 1336, and states, that the King there received advice, that the French King had espoused the Scotch Cause, and that, "flushed with martial thoughts,"

Sept. 23. (*Monday after F. St. Matthew Apostle.*)^{A. R. 10}
A Parliament or Council, (*Colloquium et Tractatus*), is held at Nottingham,

On French and Scotch affairs. Writs are addressed to the Archbishops, with the Clause, (as to Dean, Chapter, Archdeacons and Clergy), to 18 Bishops and one Keeper of Spiritualities, with the Clause, to 27 Abbots, 2 Conventual Priors, Prior of St. John of Jerusalem, the Prior of Sempyngham, to 6 Earls, 35 Barons, 12 of the Council and 3 Servientes Regis, to all Sheriffs, and to the Warden of the Cinque Ports; also to 37 (Merchants) from different Cities, and to the Mayor, &c. of London, for four Merchants of Wool, of the City.

A Second Letter to the Archbishops, enforces the Præmunitions required of the Bishops, and commands attendance of the Clergy on the above day.

A Third Letter requires the Archbishop of Canterbury to summon a Convocation at Leicester, Monday after the F. of St. Michael, "*quia negotia ardua sunt et magna, et quietem et salvacionem universorum summe concernentia, quæ cum omnes tangant, per omnes debeant pertractari.*" (o)

Jan. 3. (*Friday after Circumcision.*) A Council meets at London.^{1337. A. R. 10}

It is held before the Archbishop of Canterbury, the Bishop of London, and three Earls, as Commissioners, before all, or any two, of whom the Archbishop of Canterbury is to be one. Writs are directed to the Mayor and Bailiffs of Bristol, and 25 other Maritime Cities and Towns (*Villæ*), to send three or four of the most discreet and honest men to the Council.

A Council is appointed for the same day at Norwich, before the Bishop of Lincoln and others. (p)

Jan. 18. (*Monday in F. of St. Hilary.*) A "Parlia-

Edward privately stole away from his Parliament, whom he left at their debates; and with wonderful expedition arrived at St. John's Town, in Scotland, where he found King Baliol at the head of the forces of both nations. The Writ for constituting John, Archbishop of Canterbury, then Chancellor; H., Bishop of Lincoln, Treasurer; John, Earl of Cornwall, the King's brother; his Substitutes to hold this Parliament, or Council as it is here called, is dated Newcastle upon Tyne, June 20, 1336. Rymer's Fed. IV. 701. This is very specific, but there is no evidence of any Summons to Members who would constitute a Legislative Assembly, and, in the only authentic Record, the meeting is termed a Council. This, it is true, is not always sufficient to determine the question; as the very next assembly, which was, to all intents, and according to all form, a Parliament, is designated a Council. The idea of a Parliament may have been generally connected only with a meeting, at which Laws were to be made, or a Subsidy granted, and a meeting at which advice was to be asked or information obtained, might be considered a Council. The day of the month, and year of our Lord, now occasionally supersede the Saint's day and Regnal year. See Fed. s. a. p. 948. But the Federa also say, that a Council was ordered to Northampton on the Morrow of the Nativity of Saint John the Baptist, and give the appointment of Commissioners, as tested, Newcastle upon Tyne, June 20, which is before the meeting, and does not accord with the account of the Editors of the Parl. Hist. The "*assignatio Personarum loco Regis ad inchoandum Concilium apud Northampton*," addresses the Bishops, Abbots, Priors, Earls, Barons, Knights, et omnes alios apud Northampton die Martis in Crast. Nat. S. John B. conventuris."

(o) Dugdale. Rep. Ap. IV. 400 et seq. Knyghton, and Rot. Claus. 10 Edw. 3. M. 16, cited by the P. H. I. 323, say the King obtained a grant in this Parliament of one Twentieth from the Nobility and Gentry, a Tenth from the Citizens and Burgesses, a Sixth from the Clergy, and a Tax of 40s. a sack for all wool exported by English Merchants, and Three Pounds by Foreign Merchants.

(p) Rep. IV. App. 467, &c.

ment," (*Colloquium et Tractatus cum Prælatiis, Magnatibus et Proceribus*) is summoned to York.

Writs are issued to the Archbishops, with the Clause, (*Prior and Chapter, &c.*) and a Second Letter to enforce the Bishop's Clause, to 19 Bishops, with the Clause, 28 Abbots, 4 Priors (*u. a.*) 10 Earls, 48 Barons, 12 of the Council and 3 *Servientes Regis*, to all Sheriffs and the Warden.

A. R.
11

This Parliament is prorogued to Octaves of Purification, Feb. 9, and again to March 3, (Monday after F. of St. Matthias Apostle, Feb. 24), at Westminster; for which Parliament, Writs are directed to the Archbishops, with the Clause, (as to Prior and Chapter, &c.), and a Second Letter (as before) to 17 Bishops, and 2 Custodes Spiritualitatum, with the Clause, 28 Abbots, 4 Priors, (*u. a.*) 10 Earls, 48 Barons, 12 of Council and 3 *Servientes Regis*, to all the Sheriffs and the Warden. (*q*)

May 30. (*Friday, Morrow of Ascension.*) A Council is held at Staunford.

Writs are sent to the Archbishops, 8 Bishops, 10 Earls, 23 Barons, 5 Justiciars, 3 Magistri. In the mean time, Writs are addressed, April 27, to the Mayor and Bailiffs of Winchelsea, and of nine other Maritime Towns (*Villæ*), to send two of the most discreet and honest men from each; and to Southampton, to send four to a Council at Chichester, on the 12th of May. (*r*)

(*q*) Rep. IV, App. 454, 470. The *Fœdera* II. P. II. 963, give a Writ "De intentione Regis exponenda, &c." which goes on, "Rex universis et singulis Archæ., Episc., Abbs., Frs., Coms., Bars., Mils., et aliis Fidelibus apud Eborum, ad diem Dominicam, prox. post F. St. Ambrosii (April 6) prox. fut. de mandato nostro conventuris, &c." Commissioners are appointed to shew them the assent of the Parliament at Westminster, last convoked, "where you were not present," on divers arduous matters, &c. T. R. Westm., 24 d. March.

In this Parliament, at Westminster, the King created six Earls, (Derby, Gloucester, Huntingdon, Northampton, Suffolk, Salisbury) "by common assent and council of the Prelates, Earls, Barons, and others of our Council in Parliament." Sir Harris Nicolas' Report on Proceedings on the Earldom of Devon, Appendix IX. p. clixviii. has discussed the questions, I. Whether the words "assent of Parliament," in a Record of a Proceeding which depended on the exercise of the *Royal Prerogative alone*, gave, in every instance, to that Record the force of a Statute. II. Whether, in these instances, the proper meaning of the words, "Assent of Parliament," is not, that the Proceeding having taken place in the presence of Parliament, Parliament approved of the circumstance; which approbation, however, not being *necessary*, it was not intended to give the force of a "Statute" or "Ordinance" to the Instrument in which the approval or assent of Parliament is expressed. From his statements, it appears, that from the year 1337 to the year 1414, it was sometimes the practice to state that creations of Peerages were made "with the assent of the Lords and others of the King's Council in Parliament;" that, on a few occasions, they were said to be "with the assent of Lords and Commons;" and on a few others, "with the assent of Parliament;" but that during the same period many Peers were made, without reference to any other power than that of the Crown. It seems, therefore, difficult to subscribe to the doctrine, as a general principle, that the words "assent of Parliament," much less the assent of the Spiritual and Temporal Lords, or of the King's Council only, though such an assent may have been expressed in Parliament, give to the Creations the force of a Statute; but it is not denied, that, in a few cases, Parliament has so ratified and confirmed the King's Charters as to render it nearly certain that they must be deemed Acts of those Parliaments. Those instances are, however, extremely few, and are so clearly marked as to be easily distinguished from ordinary Creations. When it is stated that Parliament assented to, or in other words approved of, the transaction, it was not meant that an assent was given which was *necessary for the legality of the creation*, or that they had a right to *withhold* it, but simply that the promotion met with their concurrence.

It may be asked collaterally, whether the assent and participation of the People in the Saxon Conventions, and those of the earlier Norman Reigns, may not be qualified and understood in the same manner?

The Prince of Wales was, on the above occasion, created Duke of Cornwall.

(*r*) Dugdale. Rep. IV. 473, 4.

June 16. (Morrow of St. Trinity.) A Council meets at Staunford.

It is held by the Archbishop of Canterbury (Chancellor), the Treasurer, and others.

Twenty persons are summoned from as many Inland Towns.

July 6. (Octaves of the Apostles Peter and Paul.) A Council is summoned, "wherever the King may then be."

Writs are addressed to nine "Milites," and three other "Milites" are to attend the Council, at Staunford, on Thursday next (tested 21 d. June).

July 21. (Monday after Feast of St. Margaret, Virgin.) A Council, (Colloquium et Tractatus, cum Prælatibus, Magnatibus et Proceribus) is held at Westminster.

Writs are issued to the Archbishop of Canterbury, 15 Bishops, 25 Abbots, 4 Priors, (including St. John of Jerusalem and Sempringham) 11 Earls, 38 Barons and of Council, and one Magister et Clericus. (s)

July 9. (Wednesday after Feast of the Translation of St. Thomas, Martyr.) A Council, "Speciale Colloquium," is held at Westminster.

Writs are issued to 35 persons of different places, and to 6 Sheriffs, to send 2 Merchants of Wool, from each of their Counties. (t)

July 25. (Feast of St. James the Apostle.) A Council, "Colloquium Speciale," is held at Westminster.

Summons are sent to 81 "Fideles," and to the Bailiffs, and Mayor and Bailiffs, of seven Towns, (Villæ, Bristol included) to send, each, Four of the most discreet and honest Merchants, "vel alios homines." An Inhabitant of Bodmin is commanded to attend at Westminster, on Friday, in the Feast of St. Peter ad Vincula, Aug. 1. (u)

Sept. 26. (Friday before the F. of St. Michael.) A Council, or Parliament, "Colloquium et Tractatus," is held at Westminster.

Writs are directed to the Archbishops, with the Clause, (including Prior, &c.) 16 Bishops and 1 Keeper of Spiritualities, with the Clause, to 27 Abbots, 4 Priors (u. a.) 13 Earls, 33 Barons, 11 of the Council, to all Sheriffs and the Warden.

A Writ for a Council, "Colloquium personale," on the same day, at the same place, is addressed to 119 persons of 32 Counties,

(s) Dugdale. Rep. IV. 474, 5, 6. The Fœd. II. P. II. 979, allude to a meeting at York, on Thursday after the Feast of the Translation of St. Thomas, Martyr, (July 10) when Commissioners are to explain the decisions of the Council then holding at Staunford, and treat on all things. T. R. Staunford, 28 d. June.

(t) Rep. IV. 477. Fœd. a. 11, Edw. 3.

(u) Rep. IV. 477, 8. The Fœd. II. P. II. p. 989, contain a Writ to the Sheriffs to proclaim to all Archbishops, Bishops, Abbots, Priors, exempt and non exempt, and "ceteris Personis Ecclesiæ," and to all Earls, Barons, Knights. "Dominis Villarum, Mercatoribus, et aliis, divitiis Potentibus, Comitatus," to appear at Rochester on the Morrow of the Exaltation of the Cross, (Sept. 15) to hear the King's will by certain Commissioners, "Fideles." T. R. Westminster, 21 d. Aug.

and 6 places named. Another Writ is addressed to the Mayor and Bailiffs of 90 Cities and Towns, to send 3 or 4 of their most discreet Citizens and Men.

Letters (tested, 18 d. Aug.) to the Archbishop of Canterbury, desire a Convocation to be held at St. Paul's, London, on ~~Sept.~~ 30, Morrow of St. Michael; and to the Archbishop of York ~~on~~ Thursday, Octaves St. Michael, Oct. 6, at York.

Second Letters (tested, 21 d. Aug.) addressed to the Archbishops, state that it is "justum et consonum rationi ut per communia subsidia communibus periculis occurratur;" that the King is about to undertake "guerram fortissimam" against France and Scotland, and to incur "profluvium expensarum." For a sufficient aid, he, therefore, requests the Archbishops to summon a Convocation at York, on Wednesday after the F. of the Nativity Beatæ Mariæ, (Sept. 8), and the Archbishop of Canterbury and 11 Bishops, to summon the same in their respective Sees and Dioceses, on days, and at places, named, and to publish the King's wants "quando major aderit populi multitudo," that his faithful subjects may more willingly assist him, &c. (v)

Nov. 12. (*M. of St. Martin.*) A Convocation is held at York. (w)

1338. Jan. 14. (*M. of St. Hilary.*) A Parliament meets at
A. R. Dublin. (x)
12

Feb. 3. (*M. of Purification.*) A "Parliament," Colloquium et Tractatus, with the Cardinals sent by the Pope, the "Prælates, Magnates et Proceres," assembles at Westminster.

Writs are addressed to the Archbishops, with the Clause, (for Prior and Chapter, &c.), 18 Bishops, with the Clause, 28 Abbots, 4 Priors (u. a.), 16 Earls, 48 Barons, or such of them as are not elsewhere employed, to 13 Councillors and others, to all Sheriffs and the Warden. (y)

March 16. (*Monday after F. of St. Gregory, Pope.*) A Council, "Colloquium et Tractatus," is held at London. Summons are sent to 107 Individuals to attend. (z)

(v) This is docketed, "De Concilio Summonendo," but was in the form of a Parliament. It was summoned on the Custody of the Kingdom, and the Conservation of the Peace, in the King's absence. Rep. u. a. 479 to 485. Fœd. sub anno.

Dugdale. The P. H. I. 225, is correct as to this date, and quotes the Statutes at large, an. 1337.

It is said, "the Laity granted a Tenth Penny from the Community, and a Fifteenth from the Citizens and Burgesses. The Convocation gave a Tenth of their "Temporalities" for three years."

(w) Fœd. sub anno, tested 1 d. Nov.

(x) Fœd. sub anno, Teste Rege, 2 d. Jan.

(y) Dugdale. Rep. App. IV. 488. Fœd. sub anno, p. 1007. This Parliament appears to have been sitting on 24th Feb., "instanti Parlamento nostro, 24 d. Feb." 1338. The Parl. H. I. 223. throws this Parliament back to 1337. The Editors give the Writ to the Archbishop of Canterbury, and quote from Polydore Virgil, an Act against Export of Gold and Silver, unnoticed by any other Historian.

Laws are also mentioned against the Export of English Wool, and Import of Foreign Cloth.

This Parliament, Feb. 3, 1338, is, however, correctly given in the Parl. Hist., 225, where various Grants are mentioned.

(z) Rep. App. IV. 491.

April 20. (M. of Clause of Easter.) A Council is called to Westminster. (a)

July 26. (M. of St. James Apostle.) A Parliament, "Magnum Consilium," meets at Northampton.

The King has appointed his eldest Son, Edward, Duke of Cornwall and Earl of Chester, Custos of the Kingdom in his absence. Writs issue to the Archbishops, with the Clause, (*præmunientes Decanum et Capitulum, &c.*) 18 Bishops, with the Clause, 28 Abbots, 4 Priors (*u. a.*), 11 Earls, 46 Barons, 14 Councillors, to all Sheriffs and the Warden.

A Council is also summoned on July 23, Thursday before F. St. James Apostle, by Writs to 2 Bishops, and 6 others. Two others are commanded to attend on Wednesday and Friday after St. James Apostle, July 29 and 31.

A Second Writ to the Archbishops, (tested, by the Custos, Aug. 5), enjoins that a Convocation for Canterbury shall be summoned at St. Paul's Church, on the Morrow of St. Jeronimus, Oct. 1, and at York, *mutatis mutandis*. (b)

November 5. (Thursday after F. of All Saints.) A Council, "Consilium de Prælatiis, Magnatibus Proceribus et quibusdam aliis fidelibus," meets at Westminster.

Writs are directed to the Archbishop of York, the Archbishop of Canterbury, or his Vicar General, to 12 Bishops, 17 Abbots, 1 Conventual Prior and the Prior of St. John of Jerusalem, 10 Earls, 28 Barons, and 12 of the Council. (c)

January 14. (M. of St. Hilary.) A "Parliament," 1339.
"Tractatus et Colloquium," is summoned to West- A. R.
minster. 12

Writs are directed to the Archbishops, with the Clause, (for Canterbury, Priorem et Cap., &c.) to 19 Bishops, with the Clause, 29 Abbots, 2 Conventual Priors and the Priors of St. John and Sempringham, to 10 Earls, 46 Barons, 14 Councillors, to all the Sheriffs and the Warden.

A Second Letter to the Archbishop enforces the Præmunition.

Feb. 3. (M. of Purification.) A Parliament, by pro- 1339.
rogation of the last, is held at Westminster. A. R.
13

Writs are issued as before. (d)

(a) Letters, tested by the Custos, 16 d. July, command all Sheriffs to send to Northampton, on the Monday after St. Peter ad Vincula, (Aug. 3) four of the most discreet and wealthy (ditioribus) Merchants, to treat with the Custos and Council. *Fed. II. p. 11. 1051.* Prynne, *Br. Parl. Red. 187.* The Sheriff of Roteland returns two Knights, but adds "nullæ sunt Civitates nec Burgi in Com. prædicto. According to the return of the Mayor and Aldermen, the City of London elects Three Citizens, of whom two or all may act. This fact clearly demonstrates that numerical majorities of the Commons were not sought or opposed, as of importance in the decisions of Parliament, and therefore that the constitutional influence of the Commons differed from that of more recent periods.

(b) Dugdale. *Rep. IV. p. 492, &c.* The *Parl. Hist.* says, Writs were dated, Aug. 23, for a Parliament at Northampton, 15 d. after Michaelmas, but quotes Knyghton, who says it was held "in crastino St. Jacobi," i. e. 27. "Here was granted an Act, such as never had been given to any King before." Dugdale's Summons for the 15 St. Michael of this year, probably refers to the following year. There appears, at least, no other account of such a meeting. ?

(c) *Rep. IV. 496.*

(d) *Rep. IV. 497-503.* According to the *Fueroz*, a Convocation was commanded at York on a convenient day. *T. Cust. ap. Bytlet, 8 d. Feb.*

A. N.
13 *October 13. (15 of St. Michael.)* A "Parliament,"
("Colloquium et Tractatus cum Prælatiſ, Magnatibus
et Proceribus,") aſſembles at Weſtminſter.

Writs are addreſſed to the Archbiſhops, with the Clause, and a *Second Letter*, to 16 Biſhops, and 3 Vicars general, with the Clause, 29 Abbots, 4 Priors (u. a.), 10 Earls, 44 Barons, 14 of the Council, to all the Sheriffs and to the Warden.

A Letter is addreſſed to the Archbiſhop of York, "Whereas the Archbiſhop of Canterbury had in a Convocation of his Clergy in the Church of St. Brigide, London, anticipated the payment of the Second year of his Triennial Tenth; and the Province of York had denied an Aid; the King, no longer able "*tolerare quin contra vos et alios de Clero dictæ provinciæ, manum, viis et modis quibus in caſu hujusmodi licite poterimus, extendamus, niſi vos et ipſi competenti ſubſidio, &c.*," commands a Convocation to be held in St. Peter's, at York, at the earlieſt poſſible day.

Proclamation is made as uſual againſt armed Aſſemblies and Games.

Commiſſioners appointed for the King, namely, the Archbiſhop of Canterbury, the Biſhop of Durham, and M. W. de la Pole, open the Parliament by ſtating the cauſe of Summons, eſpecially the need of a large Subſidy.

It is agreed by all. "*auxi bien as grantz come as petitz,*" that the King is to be aided by a great Sum in this neceſſity.

The Nobility, "*Les Grauntz,*" Biſhops, Dean of York, Prior of St. John, Abbot of Weſtminſter, Earls, Barons, and Juſtices of England, give their Answer in writing. They grant to the King, by the advice of the Council, the Tenth Garb of Corn of all Sorts, of their Demeſne lands, except the lands of their Bondsmen, the Tenth Fleece, and the Tenth Lamb of the next year, to be paid in two years, under certain Stipulations. The Commons, "*Les Gentz que ſount cy a Parlement pur la Commune,*" give their Answer alſo in writing. As it was neceſſary a great aid ſhould be granted, they dared not give their Aſſent till they had adviſed and conſulted with the Commons of their Countries; and therefore they deſired another Parliament to be ſummoned, and in the mean time they would return to their Countries, and would do their utmoſt to obtain for the King a proper aid, and they pray that Writs be ſent to every Sheriff, that Two of the moſt eſteemed "*mielx vanez*" Knights of Counties, ſhould be elected and ſent to the next Parliament, *for the Commons*; ſo that none ſhould be a Sheriff, or other Officer. They add ſeveral Articles complaining of grievances. It is agreed that another Parliament ſhall be holden in the Octaves of St. Hilary following; and amongſt other things, that it ſhall be inſerted in the Writs of Summons to that Parliament, directed to the Sheriffs, that Two Knights, *girt with Swords*, from every County, ſhall be elected to be in that Parliament, and that Writs be iſſued for a Convocation of the Clergy of the Province of Canterbury, at the Church of St. Paul, at the Quindene of St. Hilary; and for a like Convocation of the Clergy of the Province of York, in 3 weeks of St. Hilary. (e)

(e) Dugdale. Rep. IV. 503. In this Parliament, the cauſe of Summons was ſtated not only "*as grantz,*" but alſo, "*a Ceux de la Commune.*" This increaſe of their conſequence was occaſioned, probably, by the King's neceſſities. The neceſſities of the Crown for Aids, was the principal inducement for calling to the Parliament Repre-

Jan. 20. (*Thursday, Octaves of St. Hilary.*) A "Par-^{1340.}
liament, (*Colloquium et Tractatus cum Prælatiſ, Mag-^{A. R.}*
natibus et Proceribus,)¹³ aſſembles at Weſtminſter.

Writs iſſue to the Archbiſhops, with the Clause as before, and a Second Letter, to 17 Biſhops and 1 Vicar general, with the Clause, to 29 Abbots, 4 Priors (*u. a.*), 11 Earls, 45 Barons, 14 Councillors, &c., to all the Sheriffs and the Warden.

Writs alſo iſſue to 44 Individuals, Merchants, from 11 different Cities and Towns, to attend the Parliament, and to 3 or 4 Maſters of Ships from Southampton, and 13 others from 11 Sea Ports, who attend from 44 to 51 days each, and by Writs are to be paid 2s. per day.

Parliament is opened by Commiſſion.

On Saturday, the 19th February, the Commons offer an aid of 30,000 Sacks of Wool, on certain Conditions.

The Earls and Barons grant for themſelves and for their Peers of the Land, who hold by Barony, the Tenth Sheaf, Fleece and Lamb of all their Demeſne Lands.

The Commons afterwards vouch for 2,500 Sacks of Wool, whereupon to borrow money, which would be a gift if their Conditions were rejected, but otherwiſe part of the larger amount.

Meaſures are taken for the defence of the Kingdom.

A Convocation of the Clergy is required at London on Thursday after F. of Conſervation of St. Paul, (Jan. 27), and at York on the Octaves of the Purification, (Feb. 9.) (*f*)

March 27. (*Monday after Sunday in Mid-Lent.*)^{1340.}
A Council, (*Colloquium et Tractatus cum qui-^{A. R.}*
busdam Mercatoribus, &c.,) is held at Weſtminſter.¹⁴

ſentatives of the Commons, and ſuch places only from which Aids were to be demanded, were required to ſend Representatives, though the Laws made in Parliament for other purpoſes extended to all.

The grant of the Lords being confined to their Demeſnes, they did not attempt to charge their Tenants by ſubinfeudation. The Commons declined any Aid without conſulting thoſe whom they represented, including, poſſibly, the Tenants of the Lords by ſubinfeudation. Rep. 308-9. The Barons of the Ports were not Contributors to any Aids, or Charges, touching the Land, and were, therefore, not required to ſend Representatives to Parliament.

The new Ordinance for the Election of Sheriffs is teſted by the Cuſtos, Wyndesore, 22 d. Sept. Fœd. 11. P. 11. p. 1090, as follows, *Item, &c. Quia pro præcavendo dampnis gravibus nobis, &c., per Vice Comites, regni, qui ad ſuam propriam et ſuorum amicorum præcautionem, ad hujusmodi officium hæcenus aſſumpti fuerunt, &c. direximus ordinandum, Quod omnes et ſinguli Vice Comites in plena Comitatus, per Homines Communitatis eorundem, de probioribus et fidelioribus, et magis idoneis hominibus dictorum Comit., terras et tenementa in Ballivis ſuis in Fœdo juxta formam Statutorum inde editorum habentibus, cum deliberatione provida, annis ſingulis eligantur, &c.*

(*f*) The Prelates were not included in the grant of the Earls and Barons, though all are ſuppoſed to have holden lands by Barony, or as a Barony, and the grant being confined to the Demeſnes of the Granters, and therefore not including their Tenants by ſubinfeudation, may have been intended to apply only to Lands which they held in Chief of the Crown, and not to Lands which they held as Tenants of others. The words "held by Barony" may have been expreſſive only of tenancy in Chief of the Crown. Rep. 1. 310.

All the proceedings of this Parliament are detailed, Parl. H. I. 229, on the authority of Barnes. The Clergy, it appears, contributed nothing, and Polydore Virgil ſays, "Tributum ſtatim cuncti pecuniarum, præter Sacerdotes, quibus parum eſt, quo alias illi ampliores erogarent Pecunias." Lib. XI. p. 369. See Stat. at Large, 14 Ed. 3, 1340, and Fœd. ſub anno. Rolls, 13 Edw. 3. Dugdale.

Writs are sent to 154 persons, from 45 and more, Counties, Towns, &c. (g)

March 29. (*Wednesday after Sunday in Mid-Lent.*)
A "Parliament," (*Colloquium et Tractatus cum Prelatis, Magnatibus et Proceribus,*) is held at Westminster.

Writs are addressed to the Archbishops, 18 Bishops and 1 Vicar general, with the Clause, to 29 Abbots, 4 Priors (u. a.), 13 Earls, 44 Barons, 15 of the Council, to all the Sheriffs and to the Warden.

The usual Proclamations are made. A Clerk of the Parliament and Receivers of Petitions are appointed. On Thursday, the meeting is adjourned to Saturday, when the Cause of Summons is declared, specially to the Prelates, Earls and Barons, then generally to them, and to the Commons. A sufficient Aid is demanded. The Assembly deliberates till Monday, when the Prelates, Earls and Barons, for themselves and all their Tenants, the Knights of Counties for themselves, and the "*Communes de la Terre*," grant a Ninth Sheaf, Fleece and Lamb for two years; the Citizens and Burgesses, the true Ninth of their Goods; Merchants, not residing in Cities and Boroughs, and others who inhabit Forests and Wastes, and who do not live of their Gains or Store of Sheep, the Fifteenth of their Goods; "*sous la Condition que notre Seigneur le Roi de sa bonne grace leur otroi les Petitions queles ils mistront devant lui et devant son Conseil, &c.*," upon which, with command of the King, and the assent of the Prelates, Earls, Barons and Commons, certain Judges, Prelates and Nobles, twelve Knights chosen by the Commons and Six Citizens and Burgesses, are appointed to sit from day to day, or till they complete them, to form into Statutes the points and articles "*que sont perpetuels*," and for those "*que ne sont mye perpetuels*," and therefore only temporary, the King, by assent of the "*Grauntz et Communes*" will cause to be made and sealed his Letters Patent, &c.

The Duke of Cornwall is appointed Guardian during the King's absence in France.

In consequence of the "*grosses Besoignes*," which cannot be completed, the Parliament is adjourned to Wednesday in Easter week (April 19) and all the members present agree not to absent themselves till that day.

All the Merchants summoned for Monday after Midlent Sunday, (March 27) are ordered to attend on the Morrow of the Ascension (May 26). (h)

(g) *Fœd. subanno.* Rep. App. IV. 512.

(h) *Rolls* II. 112. *Fœd. a.* 14. *Dugdale.* Rep. App. IV. 515. "The forms of the grants in this Parliament, seem to shew, that the Constitution of the Legislature in Parliament was not then definitively settled as it now is." Rep. I. 311. The Prelates, Earls and Barons take on themselves to be Representatives of all their Tenants, and consider the Knights of Shires as not representing such Tenants. On this ground, probably, the Tenants of Prelates, Earls and Barons did not contribute to the charges of the Knights. This grant may have been in lieu of the tenth before agreed to. The forms of these grants seem to import that the Knights and the Commons for whom they granted, were either Tenants in Chief of the Crown, or Tenants of such Tenants in Chief, and not Tenants of any Prelate, Earl or Baron; and in conformity to this supposition, the election of such Knights ought to have been by Tenants in Chief, or their Tenants, in exclusion of Tenants, Earls and Barons.

The appointment of Citizens and Burgesses on the business of the Petitions seems to have been an innovation, and a gradual assumption of power by the Commons. Rep. I. 312.

For other particulars of this Parliament, see P. H., I. 233, which cites Knyghton, Hollingshead, Daniel, Fabian, Tyrrel, and the Statutes at large, anno 1341. It is re-

April 19. (Wednesday in Easter week.) The adjourned Parliament meets.

May 26. (Morrow of Ascension.) A Council (Colloquium et Tractatus) is held at London, or Westminster.

Writs of Summons are sent to 154 Merchants, of different Counties, Cities and Towns. (i)

July 12. (Wednesday after F. of Tr. St. Thomas, Martyr.) A "Parliament" meets in the "Chambre de Peynte," at Westminster.

Writs are issued to the Archbishops and 19 Bishops, with the Clause, 29 Abbots, the 4 Priors, 8 Earls, 44 Barons, 15 of the Council, to all the Sheriffs and the Warden. (k)

Proclamation is made in the great Hall, as usual. The cause of Summons is declared, and the meeting is adjourned to the following day, when the Knights and Commons are desired by the Duke of Cornwall to consult how an Aid may best be granted, and to give their answer on Saturday. On this day they reply.

Writs are ordered to be sent to all the Sheriffs, to cause to come before the Council at London, on Monday after the Assumption, certain Merchants from every City and Burgh in their Bailiwicks, and the body of the County, who shall be authorized to treat with the Council.

Certain Merchants "de Bard et de Peruch" attend to shew what aids they would grant.

August 23. (Monday after F. of Assumption.) A Council, (Colloquium et Tractatus,) meets at London, or Westminster.

Writs had been sent as ordered to the Sheriffs of 34 Counties, to send 274 Merchants, to attend. (l)

August 23. (Wednesday, Vigil of St. Bartholomew Apostle.) A Council meets at Westminster.

Sept. 9. (Saturday, Morrow of Nativity B. Virgin.) A Council is held at London.

marked, that the Writs for the 29th March, are tested by the King the day of his landing at Harwich, Feb. 21, whence it appears, that in case of necessity, a Parliament might then be called in less than 40 days.

See Statutes 1. p. 282, 14 Edw. 3. l. c. 5, for the Act by which Commissioners are appointed to redress delays, &c., of the Courts of Justice—"That, from henceforth, at every Parliament, shall be chosen a Prelate, two Earls and two Barons, who shall have Commission to hear by petition, &c.; and, in case the difficulty be so great, that it may not well be determined without assent of Parliament, that the said Tenor or Tenors shall be brought by the said Prelate, Earls and Barons unto the next Parliament, and there shall be a final accord taken, what judgment ought to be given in this case, &c."

In the same year, the Act l. c. 7 declares, "That because some Sheriffs have their Bailiwicks for terms of years of the King's grant, &c., it is assented, &c., that no Sheriff shall tarry in his Bailiwick over one year, and then another shall be ordered in his place."

(i) Rep. App. IV. 518.

(k) Dugdale. Rep. App. IV. 521, and l. 312. P. H. I. 237, &c., for many particulars as to the aids granted on account of the King's great Naval Victory.

It appears from an entry made this Parliament, that Religious Persons, who were charged with the Ninth by the Legislative Assembly, were not summoned to that Assembly, and a complaint is made in the next Parliament, that they did not appear by any Representative in whose election they had concurred. Rep. I. 312.

(l) Rep. App. IV. 524.

Oct. 2. (Monday after E. St. Michael.) A Council is held at London.

Sixteen Individuals are summoned from as many Cities and Towns, 4 "homines de probioribus, &c., from each of 14 Cities and Towns, by Writs to the Mayors and Bailiffs. Writs are also sent to the Archbishop of Canterbury, 4 Bishops, 2 Abbots, 5 Earls, 12 Barons and those of the Council (m)

Nov. 14. (Tuesday after F. of St. Martin.) A Council meets at Westminster, on important business.

1341. *March 19. (Morrow after Sunday in Mid-Lent.)*
A. R. A Council is held at Westminster.
15
of
France 2

April 23. (Monday after 15 of Easter.) A "Parliament," (Colloquium et Tractatus cum Prælati, Magnatibus et Proceribus,) meets at Westminster.

Writs are sent to the Archbishop of Canterbury and 13 Bishops, with the Clause, 29 Abbots, 4 Priors (u. a.), 8 Earls, 45 Barons, 10 of the Council, to all the Sheriffs and the Warden.

Sir Thomas Drayton is chosen Clerk of Parliament.

The usual Proclamations are made. All petitions are ordered to be delivered before Saturday.

Receivers are named, and the assembly, by daily adjournments, is prolonged to Thursday, when the cause of Summons is declared to the Prelates, Nobles and Council. For the consideration of this matter, the Parliament is again adjourned to the following Thursday, on which day, the Peers petition not to be tried except by Parliament. Four Bishops, Four Earls and Four Barons with the "Sages de la Leye," are appointed to determine when they are to be so tried and when not. On the following Monday, they give their answer.

Many Petitions are offered, and answers given. Amongst other things, the "Grantz et Communes" pray, that Petitions shall be affirmed as granted by the King, those on "pointz a durer" by Statute, and others by Charter or Patent, and delivered to the Knights of Counties without pay.

Complaints are made, that the Prelates, Earls, Barons, et "autres grantz," who were bound to come to Parliament, had granted an aid of the Ninth, &c., and that the King's Ministers required the Ninth of other "Gentz de Ste Eglise," who were not bound to come to the Parliament, and who never granted the said Ninth, and who paid their Tenth. It is answered, that those who hold by Barony, and ought to come to Parliament by Summons, should pay the Ninth; and the men of holy Church, who held nothing by Barony, and were not accustomed to be summoned to Parliament, should pay the Tenth. But if such had possessions, purchased and appropriated, not taxed amongst their other temporalities in the accustomed Tenth, it was just that these should pay the Ninth. (n)

(m) Fœd. sub anno. Dugdale. Rep. l. c. p. 526.

(n) Fœd. sub anno. Dugdale. Rep. l. c. 529. Instruments, tested 2 and 8 d. May. recite, that, whereas the Abbot of St. Augustin, Bristol, the Abbot of Thornton, and the Prior of Sempringham do not hold by Barony, or in any way in Capite, nor on the foundation of the King's Progenitors, or his own, which would oblige them to attend Parliaments and Councils, nor were ever summoned before the fifth, and tenth, years of our reign, &c. &c. the same are exempted in future, but on condition that they agree to the Procurators sent by the Clergy for Parliaments and Councils, and contri-

A Statute is made declaring the peculiar Privileges of the Peers, establishing that no Peer of the Land, Officer, or other, by reason of his office, shall be drawn into judgment to lose his temporalities, &c., be arrested, imprisoned, &c., or be compelled to answer, or be judged, except by award of the Peers in Parliament, saving and excepting, &c. (o)

June 21. (Thursday after June 15.) A Council is held at London.

Writs are addressed to the Bishop of London, 1 Baron ? 26 Priors, and 6 Procurators of Abbies.

July 11. (Wednesday after F. Translation St. Thomas, Martyr.) A Council meets at London.

Five Bishops, 6 Earls, and 16 Barons are summoned.

Dec. 3. (Monday after F. of St. Andrew, Apostle.) A Council is held in the "Cancellaria."

Twenty-three Individuals are summoned. (p)

April 6. (Monday M. of Clause of Easter.) A Council is summoned to Westminster. 1312.
A. D.
16

Writs are issued to the Archbishop of Canterbury, 7 Bishops, 10 Earls, and 96 Barons.

The Council is prorogued to

April 29. (Monday after F. St. Mark, Evangelist.)

The Mayor and Bailiffs of 26 Maritime Cities and Towns, are required to send two of the most discreet and honest "Mariners" from each place. (q)

July 8. (15 of St. John Baptist.) A Council is held at London.

One hundred and forty-two Merchants are summoned. (r)

bute to their expences. By the answer given to the complaint of the Clergy, it seems that the assembly which granted the Ninth, had power to charge those possessions which were not charged with the Tenth, and therefore, in some manner, represented these Religious in respect of such possessions. (Rep. 513, l.) An idea, not very distinct, of a Right founded on Tenure, seems still to have prevailed. For the two Councils next called, in Nov., see *Fœd. sub anno*.

(o) The confinement of the Privileges of Peerage to those called the Peers of the Realm, as a personal Privilege, giving no Privilege, or even legal rank to their families, and moulding all who had not that Privilege, however high their birth, into the mass of the Commons, has been considered an important feature in the Constitution of the Government of England. It may have prevailed, and probably did, in some degree, prevail before, but by this Statute, it was clearly and distinctly recognised; and this personal Privilege, attaching at all times, is distinct from that Privilege of Parliament, which belongs to the Members of both Houses of Parliament. It exists when there is no Parliament, as well as when there is; and it extends to their Wives and Widows, as partaking of their Personal Privilege, and is lost to the Widow, when, by a Second Marriage, she loses the Character of Widow of a deceased Peer. Rep. l. 315. By this Statute, a clear and decided personal distinction was declared between such as were summoned, or entitled to be summoned to Parliament by Special Writ, then known and distinguished as Peers of the Land, and such as were not so summoned, or so entitled. (314.) See also the distinction from other Tenants in Chief. l. c.

See *Parl. Hist.* i. 290, &c., for Proceedings in this Parliament.

(p) Dugdale. Rep. App. IV. 537, et seq. Letters are published exempting the Abbot of Beaulieu (de Belloloco) who holds all his possessions in Free Alma, and not by Barony, &c., from attending Parliaments and Councils, unless his presence be necessary for other causes. Similar Letters exempt the Abbot of Croyland and Prior of Spalding.

(q) *Fœd. sub anno*. Dugdale. Rep. App. IV. 537, et seq.

(r) Rep. App. IV. 540.

Oct. 5. (6 days after *F. St. Michael*.) A Convocation of the Clergy, at St. Paul's, is held.

"Auxilium impensuri ulteriusq. facere quod tunc ibidem contingit ordinari," by Writ to the Archbishop of Canterbury. (s)

Oct. 16. (Wednesday after *F. of St. Edward, Confessor*.) A Council, "Concilium et Tractatus cum Prælati, Magnatibus et Communitatibus regni," is held at Westminster, before Edward, Duke of Cornwall, &c., Custos.

The Archbishop of Canterbury and 17 Bishops are summoned, with the Clause, 20 Abbots, 1 Conventual Prior, (*Lewes*), the *Prior of St. John of Jerusalem*, (before exempted) 3 Earls, 20 Barons and 2 Knights, 2 Citizens and Burgesses, by Writs to the Sheriff of Kent, and all others, "citra Trentam." (t)

Dec. 2. (Monday after *F. of St. Andrew, Apostle*.) A Convocation of the Clergy of the Diocese of York is required to meet at St. Peter's Church, York, but is, afterwards, changed to Monday, Morrow of the Conception, (Dec. 9.) (u)

Dec. 1. (*M. of St. Andrew*.) A Council meets at Westminster.

Eleven Merchants are summoned.

Dec. 14, Saturday. (*M. of St. Lucy*.) A Council is held at Westminster.

The Archbishop of Canterbury, 5 Bishops, 5 Earls and 17 Barons attend. (v)

1343. April 28. (Monday next after 15 of Easter.) "A Parliament" (Colloquium et Tractatus, cum Prælati Magnatibus et Proceribus) is held at Westminster.

Writs issue to the Archbishops, and 19 Bishops, with the Clause, 27 Abbots, one Conventual Prior, and the *Prior of St. John of Jerusalem*, 13 Earls, 40 Barons, 7 of the Council, to all Sheriffs, and the Warden.

Proclamation is made as usual, in the Great Hall, Westminster, in the City of London, and the Suburbs, against carrying Arms, and against Games. Petitions are to be presented before Monday, and Receivers are appointed.

Wednesday, April 30, the Bishops, Lords, and Commons, assemble in the "Chambre de Peynte," when M. Bartholomew de Burghersh, for the Lord Chancellor, declares the Cause of Summons. The Prelates and "Grantz" assemble, on the 1st of May, in the "Chambre Blanche," to consult; the Knights and Commons in the "Chambre de Peynte," and prepare a Report. The Commons attend the Prelates and Lords in the "Chambre Blanche," and, by M. William Trussell, give in their answer.

(s) *Fœd. sub. anno*, 1342. *Rep. App.* IV. 541.

(t) *Dugdale. Rep. App.* IV. 542.

(u) *Rep.* IV. 544.

(v) *Dugdale. Rep. App.* IV. 544, 545.

Friday, May 2, all the Members assemble in the *Chambre Blanche*, to treat on other matters, as required, and make a Report on the following day.

Their first Petition is, as usual, *that the Rights and Privileges of Holy Church may be preserved entire and inviolate.*

It is agreed, *inter alia*, that Merchant Aliens resident in the Realm, ought to aid and bear charges with others of the Kingdom, whilst they shall remain there.

A Petition relating to Provisions and Reservations of the Court of Rome, is fully considered. (v)

April 25. (*Friday after Clause of Easter.*) A Council is held at Westminster. (*Colloquium et Tractatus.*)

One hundred and thirty-eight Merchants and others are summoned.

Sept. 1. (*Monday after F. of Assumption.*) A Council (*Colloquium et Tractatus*) meets at Westminster.

Forty Merchants are summoned. (x)

March 15. (*Monday after Medium Quadrag.*) A Council is held at Westminster.

All the Officers of the Ports are summoned. (y)

1344.
A. D.
18
of Fr.
5

April 28. (*15 of Easter.*) A Council (*Colloquium et Tractatus*) is held at Westminster.

The Archbishop of Canterbury, all the Bishops of England and Wales, and one Elect, eight Abbots, and the *Prior of St. John of Jerusalem*, are summoned. (z)

June 16. (*Monday after Octaves of St. Trinity.*) A "Parliament" (*Colloquium et Tractatus ut antea*) assembles at Westminster.

Writs issue to the Archbishops and 19 Bishops, with the Clause, 26 Abbots, Prior of Lewes, and *St. John of Jerusalem*, to 13 Earls, 41 Barons, 5 of the Council or others, to all the Sheriffs, and the Warden.

Proclamation is made; Receivers and Tryers, and a Clerk of Parliament, are appointed as usual.

Many Prelates and others, specially summoned, being absent, the Parliament is adjourned to a subsequent day, and the names of the absent Lords are delivered to the King in writing, "to ordain such punishment as he shall please."

A Convocation of the Prelates and Clergy of the Province of Canterbury had been required at St. Paul's, on the Morrow of the Trinity (May 31). None of the great Prelates had attended, except the Archbishop, three Bishops, and a Bishop elect. The Archbishop of Canterbury is charged to do with those who did

(v) Dugdale. Rep. App. IV. 546. See Parl. Hist. for a detail of Proceedings I. 251.

It is said, that the Prelates and great men were charged to assemble on Thursday, 1st of May, to treat, advise, and agree, whether the King ought to send Envoys to the Court of Rome, &c. And, in the same manner, the Knights and Commons were charged to assemble in the Painted Chamber, for the same purpose. They give their answers separately. A Letter is addressed to the Pope by the Princes, Dukes, Earls, Barons, Knights, Citizens, and Burgesses, and all the Commonalty of the Realm, given "in full Parliament," 18 d. May, 1343. The Clergy refuse their assent.

(x) Rep. App. IV. 548, 550. On the 25 Feb., this year, an individual is commanded, immediately, to attend the King for a "Colloquium." 548.

(y) Ford. sub anno, 111. p. 15.

(z) Rep. App. IV. 550.

not obey his orders, what belonged to him to do; and the King, with respect to those who did not obey his commands, would do what belonged to him. (a)

The Chancellor declares the cause of Summons. Numerous Petitions are offered.

A grant is made by the Archbishop, Bishops, Prelates, and Procurators of the Clergy of Canterbury, of a Biennial Tenth, and the like grant by the Clergy of the Province of York.

The Commons grant Two Fifteenthths of the Commonalty of the Land, and Two Tenthths of Cities and Burghs, on certain Conditions. (b)

1345. Oct. 19. (3 weeks after Michaelmas.) A Council,
A. R. 19 (Colloquium et Tractatus,) is held at New Sarum.

Two Knights, or others, are summoned from all the Counties.

July 18. (Monday after July 12.) A Council meets at Westminster.

Thirteen Merchants are summoned.

July 31. (Sunday after F. St. James Apostle.) A Council is held at Westminster.

Two Persons are summoned.

Aug. 2. (M. of St. Peter ad Vincula.) A Council meets at Westminster. (c)

Aug. 11. (M. of St. Lawrence.) A Council is held at Westminster.

Forty-nine Merchants are summoned. (d)

Sept. 28 and Oct. 6. (Morrow and Octaves St. Michael.) Councils are held at Westminster.

(a) Dugdale. Rep. App. IV. 551. See also I. 317. "The Convocation of the Clergy was no part of the Legislative Body authorised to make general Laws, according to the Declaratory Statute of 15 Edw. 2; and had no right to treat or ordain upon any business, for which the Parliament was summoned; except as the object of the King, in summoning the Parliament, was to obtain an aid, and the Clergy, as a Body, in respect of their Spiritual Possessions, claimed exemptions from Taxation by Lay Authority, and usually taxed themselves in Convocation."

A Convocation of the Clergy of the Province of York had also been required at St. Peter's, York, on June 12, the day after the Feast of St. Barnabas, the Apostle.

For the Proceedings of this Parliament, see Parl. Hist. I. 257.

(b) This is the first instance of a Grant by the Clergy in Convocation, entered on the Rolls of Parliament, and stated in a Statute. The Temporal Lords do not appear to have made any grant of money, but had agreed to pass over to France with the King. These separate grants shew that the principle of a general Legislative Power, for the purposes of taxation, was not then fully adopted, and that the Constitution of the Legislative Assembly was not completely settled. Other proceedings in this Parliament appear to have been by the King and Council only, the King's Council still continuing to transact business as a Council and Court of Justice in Parliament. The Council seem always to have been present in Parliament, and every important act of the King in Parliament appears to have been sanctioned by the advice of his Council. The Commons, as well as Lords, appear to have been, at all times, particularly anxious as to the constitution of that Council. The Meetings of Parliament were still considered as Meetings of the King's Select Council, to which the Lords and Commons, as the Great Council of the King, for legislative purposes, and for granting aids, and for their advice on extraordinary occasions, were summoned to attend. Rep. I. 317. See Pryme Brev. Parl. p. 148, for a Writ. 18 Edw. 3, summoning Two Knights or others to a Colloquium et Tractatus at New Sarum, in three weeks after Michaelmas, tested 20 d. Sept., A. R. 18, with various Returns of Sheriffs. He supposes that this was a Great Council, no Citizens or Burgesses being summoned.

(c) Ford. Rep. App. IV. 555.

(d) Rep. App. IV. 554-5-6. The Abbot of Oseney, holding his Lands and Tenements in Free-Alms, and none by Barony, or in Capite of the King, is released, with his heirs, from future attendance on Parliament. Ford. sub anno.

Writs, tested, 16 Sept., are directed to the Prior of Totness, and many others who had neglected to attend the Council on the Morrow of St. Peter ad Vincula, Aug. 2, and threatening, if they neither attend nor send a Proxy, that the King will take from them the Priory Lands and Tenements, "per nos commissa," and assign them to those who will make from them the largest grant and Subsidy for the War. (e)

Feb. 3. (M. of Purification.) A Council, (Colloquium et Tractatus,) meets at Westminster. 1346.
A. R. 20

Writs are directed to the Archbishop of Canterbury, and to all the Bishops of his Province. (f)

March 27. (Monday after Sunday in Mid-Lent.)

A "Convocation," or Convention, is held at York.

The "Archbishop of York, Prelates, Earls, Barons, 'Mag-nates' and other Nobles," attend.

Maurice de Berkele is appointed Commissioner for the King. (g)

July 17. (Monday before F. of St. Margaret.) A Council is held at Westminster before Commissioners.

Writs issue to the Archbishop of Canterbury, 3 Bishops, 1 Conventual Prior, (Rochester) the Abbot of Westminster, and 10 of the Council. (h)

Sept. 11. (Monday after F. of Nativity B. Virgin.) 1346.

A "Parliament," (Colloquium et Tractatus cum Præ-latis, Magnatibus et Proceribus,) meets at Westminster. A. R. 20
of Fr. 7

Writs are sent to the Archbishop of Canterbury and 16 Bishops, and 1 Keeper of Spiritualities, with the Clause, 23 Abbots, 1 Conventual Prior, the Prior of St. John of Jerusalem, 5 Earls, 11 Barons, 16 of the Council, to all the Sheriffs and the Warden. The Archbishop of York and Bishops of Durham and Carlisle, the Abbots of St. Peter's, York, and of Selby, the Earl of Angus and 11 Barons, are commanded to send sufficient Procurators, themselves being occupied in defence of the Marches of Scotland.

The principal Peers being with the King in France, there appear only the Archbishop of Canterbury, eight Bishops, the Abbot of Westminster, three Priors, three Barons, six of the Council, (as Judges, &c.)

The usual proceedings take place.

The Commons present a Petition of Grievances, "That the King had assumed the power, by his Commissions issued from the Chancery, of charging the people with Array, without assent and grant of Parliament." They pray that such Commissions should not issue, without consent of the Commons. Nevertheless, the Commons grant an Aid of Two Fifteenths, to be

(e) *Foed.* III. P. I. 60. The *Rep.* I. 319, says, There does not appear to have been any Parliament holden in the 19th Edw. 3, in which Knights, Citizens and Burgesses attended, or to which the Spiritual or Temporal Lords had Writs of Summons. Grants were, however, irregularly made, as appears by subsequent petitions. The Writs for this Council, declare that a Grant had been made by the Priors and other Firmarii.

(f) *Rep.* App. IV. 357.

(g) *Rep.* App. IV. 357. This is called a Convocation, though not an Ecclesiastical Assembly. The *P. H.*, I. 2:9, calls it a Parliament at Westminster, at Lent, 1346, on the authority of Barnes. Tyrrel says it was a Council, at Westminster, of Bishops and Peers.

(h) *R. A.* IV., 508.

levied in two years, in Cities, Boroughs, and ancient Demesnes, as well as of the Commons of the Counties.

The King having made his Son, the Prince of Wales, a Knight, demands the usual Aid in such case, 40s. of every Knight's Fee.

It is answered, that, by Statute of Westminster, first, the Fee should be only 20s., and the Commons refuse assent. (i)

Oct. 16. (Monday after F. Translation St. Edward.)

A Convocation of the Clergy of the Province of Canterbury is held at St. Paul's.

Dec. 18. (Monday after F. St. Lucy Virgin.) A Convocation for the Province of York, is called to St. Peter's Church, York. (k)

1347. *Jan. 7. (M. of Epiphany.)* A Council is held at
A. R. Westminister.
20

There are summoned, the Earl of Angus, 15 Barons, the Archbishop of York, or a sufficient Procurator, and 2 Bishops. (l)

A. R. "Feb. 12." (Monday.) A Council meets at West-
21 minster.

Eleven Persons are summoned.

"March 3." A Council is held at Westminister.

Six Bishops, 20 Abbots, (including *Osney*), 4 Conventual Priors, and the *Prior of St. John of Jerusalem*, 8 Earls and 8 Barons, are summoned. (m)

April 21. (3 weeks after Easter.) A Council meets at Westminister.

A Summons issues to 78 Merchants, from 14 Counties, to the Sheriff of Bristol, to send "Roger Turtle" and 2 others, to the Sheriffs of the above Counties, to send 4 or 6 of the most dis-

(i) *Ford*, sub anno. *Dugdale*. Rep. App. IV., 556.

It seems the Commission had not merely issued of the King's authority, but from an informal grant of the Lords, without the Commons, which they considered an invasion of their rights. They did not dispute the right of the Lords to make a separate grant for themselves, but only prayed that the Commons might not be so charged. These grants were nevertheless enforced, and the Commons do not seem to have been able to obtain a remedy for their grievances, which were in violation of the Great Charter, the Charters of Edw. I. and the Statute 13 Edw. 2, expressly declaring by what authority alone a Law affecting the people could be made. The illegality of the proceeding was afterwards noticed and condemned. (Rep. 319.)

It appears that the charge of 40s. was levied, and the act was, therefore, a gross violation of the law. The King and his government seem to have acted in many instances arbitrarily and oppressively, paying little attention to the complaints of the Commons.

One of the Council neglecting to attend, he is commanded to appear, by Writ from the Custos, 13 d. Sept.

(k) Rep. App. IV. 561.

(l) Rep. App. IV. 557. This Summons appears to be misplaced in the Report. In the *Ford*, sub anno, it is given after the Writs for the Parliament. On the 10th Feb., the Earl of Devon is excused attendance from all Parliaments by reason of his infirmities, but is required to send "Attornatum idoneum."

The *Parl. H.* i. 261, says, on the authority of Barnes, that a Parliament was called to meet at Westminister, on the 3d day of the new year, 1347, respecting which there must be some error. The Editors quote Tyrrel, who makes the date of the Writs, July 20, 1346, and the Parliament to meet Sept. 11, "which, say they, must be a mistake." But Tyrrel is right, as he alludes to the former year, and there is no evidence of this supposed Parliament having been called, and the proceedings in the P. H. are all those of the last September Parliament.

(m) *Dugdale*. Rep. App. IV. 562. The *Ford*, sub. anno, give a Writ for another Council at Westminister, Wednesday after 15 of Easter, at latest, T. C. 31, d. March. This approximates so nearly to the next Summons, that it has been omitted in the Text.

creet and honest Merchants from each, besides those already named. (*n*)

June 20. (Wednesday before F. Nativity St. John Baptist.) A Council is held at London.

Writs for attendance are directed to 70 Persons, from 18 Counties. (*o*)

July 21. (Morrow of St. Margaret, Virgin.) A Council meets at London.

One hundred and eighty-seven Merchants and Tradesmen, from many places, are summoned, to appear on many different days. (*p*)

Sept. 6. (Thursday after Sept. 3.) A Council is held at Guildhall. (*q*)

Sept 26. (Wednesday after F. St. Matthew, Apostle.) A Council meets at London.

Six of the Council, &c., are summoned.

Oct. 6. (Octaves St. Michael.) A Council is holden at London.

Writs to attend are issued to 21 Merchants and others. (*r*)

Jan. 14 (M. of St. Hilary.) A "Parliament," (Colloquium et Tractatus cum Prælatiis, Magnatibus et Proceribus,) meets at Westminster. 1348.
A. R.
21

Writs are addressed to the Archbishops and 19 Bishops, with the Clause, 24 Abbots, the Prior of Lewes, and *St. John of Jerusalem*, to 11 Earls, 30 Barons, 13 of the Council and 4 "Servientes Regis," to all the Sheriffs and the Warden; also to Walter de Bermyngham, Justiciar of Ireland.

The Commons complain, that, at a Council holden by the King's Son, Lionel, then Guardian of the Realm, Duties and other charges were imposed without consent of the Commons, and they pray forbearance in collecting the said charges. (*s*)

March 31 (Monday after Mid-Lent Sunday.) A "Parliament," (Colloquium et Tractatus cum Prælatiis, Magnatibus et Proceribus,) assembles at Westminster. 1348.
A. R.
22
of Fr.
9

Writs issue to the Archbishops and 19 Bishops, with the Clause, 24 Abbots, (omitting Oseneve) the Prior of Lewes, and *St. John of Jerusalem*, 11 Earls, 30 Barons, 13 of the Council, and 4 Servientes Regis, to all the Sheriffs and the Warden.

A Writ is also addressed to Edward, King of Scotland, commanding him, "in fide et homagio," to meet the Prelates, "Magnates et Proceres" on this day. (*t*)

(*n*) Rep. App. IV. 563.

(*o*) Fœd. sub anno. Rep. App. IV. 565.

(*p*) Rep. App. IV. 567.

(*q*) Fœd. sub anno.

(*r*) Rep. App. IV. 571-2.

(*s*) Dugdale. Rep. App. IV. 572. The Chiefs of the Nobility and Gentry were with the King in France, and with their support he seems to have evaded the complaints of the Commons, and levied arbitrary impositions. (Rep. 320.)

See P. H. I., 268, for the Proceedings in this Parliament. Knighton calls the next Parliament only an adjournment. Coll. 2596. From a notice in the Fœd. sub anno, the former Parliament seems to have been sitting on the 13th of February.

(*t*) Fœd. sub anno. Dugdale. Rep. App. 575.

After the customary proceedings, the cause of Summons is declared by William Thorp, Chief Justice.

The Commons complain of many Charges put upon them without their assent, and other grievances, but grant Three Fifteenths to be levied in Three years, upon certain Conditions, amongst others, "That thenceforth no Imposition, Taille or Charge by way of Loan (d'Aprest), nor in any other manner, shall be put by the Privy Council of the King, without the grant and assent of the Commons in Parliament." It is answered, that the business shall rest till the King's Council be better advised.

They also pray that their Petitions may be answered without delay, and complain, that answers before granted, are changed, and they disclaim all Bills so changed. (u)

1349.

A. R.
22

Jan. 19. (Monday after F. of St. Hilary.) A "Parliament," (*Colloquium et Tractatus ut supra*.) is summoned to Westminster, on French affairs.

Writs are directed to the Archbishop of York, with the Clause, (*Prem. Decanum, &c.*) to the Bishop of London, with the Clause, (*Prem. Decanum et Capitulum Ecclesie St. Pauli, &c.*) to the Dean of Lincoln, Elect for Canterbury, and 17 Bishops, with the Clause, 31 Abbots, the Priors of Lewes, Coventry, and *John of Jerusalem*, the Priors of Oseney, Thornton, and Thorneye, notwithstanding any privilege to the contrary; to 10 Earls, 56 Barons, 12 of the Council and 4 Servientes Regis, to all Sheriffs and the Warden.

Also, to Edward de Baliol, King of Scotland.

On account of the prevalence of the Plague, "*Plaga pestilencie mortalis*," the Parliament is prorogued to "*Monday, 15 of Easter*," April 20, and, a second time, for the same reason, without further appointment. (v)

1349.

A. R.
23

1349.

A. R.
23

April 20. (Monday, M. Clause of Easter.) A Council is held at Westminster.

(u) "The answers given shew the state to which the Commons were then, by circumstances, reduced. The King, Prelates and "Grants," took upon themselves to alter the answers and assent jointly given, when the Commons had retired from the Parliament, which seems to show that the Commons had not yet attained an equality with the Prelates and "Grantz de la Terre," who still assumed, in some degree, the authority which they formerly exercised. The advice of the Prelates, Earls and Barons, and "Autres Grantz," was frequently required by the King, without a corresponding reference to the Commons. This might be accounted for from their having been frequently assembled by the King for the purpose of conference and advice, when the Counties, Cities and Boroughs were not required to send their Representatives. But it may also have arisen from the King's Barons, with the Prelates and Earls, as Barons, having been originally the only constituent parts of the Common Council of the Kingdom; and the Legislative Acts of the King, not imposing any charge on his subjects, having been made by the advice of the Prelates, Earls, and those, in the Charter of John, styled "Majores Barones," even when it was acknowledged that it was necessary to summon, in some manner, all who held of the King in Chief to form a Common Council for the purpose of assessing aids." *Rep. 320*. The opening of a Parliament was frequently delayed because the Prelates, Earls, Barons and "autres Grants," were not come; but either the attendance of the Knights, Citizens, and Burgesses was more regular, or it was not thought necessary to wait. A distinction seems also to have been made between the Knights, and the Citizens and Burgesses. The Knights (as in 6 Edw. 3) were required to give their advice separately, as well as the Prelates, Earls and Barons, but the Citizens and Burgesses do not appear to have been consulted. There seems still to have remained traces of the original constitution of the Legislative Assemblies, as acknowledged by the Charter of John." 321.

It may be of interest to notice from the *Federa*, the Foundation of *St. Stephen's Chapel*, Westminster, 6 Aug. 1348.

(v) *Fed. sub anno*. Dugdale. *Rep. App. 1V.*, 577-60-84. The *Federa* allude to a Council at Westminster. T. R. Westminster 20 d. March. The P. H. I., 273, is greatly in error as to the Parliaments following.

Seventy-five Merchants and others are summoned. (*10*)

April 5. (Morrow Clause of Easter.) A Council meets at Westminster. 1350.
A. R. 24

Writs are issued to Hugh, Earl of Devon, and 18 Barons. (*x*)

Feb. 9. (Wednesday, Octaves Purification.) A "Parliament," (*Colloquium et Tractatus*, &c.) meets at Westminster. 1351.
A. R. 25

Writs are addressed to the Archbishops and 18 Bishops, with the Clause, to 25 Abbots (including Thorneye), the Priors of Lewes and *St. John of Jerusalem*, to Edward, *Prince of Wales*, &c. and 11 Earls, 50 Barons, 9 of the Council, &c., 4 *Servientes Regis*, to all the Sheriffs and the Warden.

The Abbot of Malmesbury is excused, "*hac vice de gratia speciali.*" (*y*)

Parliament meets in the *Chambre Blanche* "*pres de la Chambre de Peynte.*" Lionel, the King's Son and others are appointed Commissioners. Having been adjourned in consequence of many absentees, to the Tuesday following, W. de Sharesull, Chief Justice, declares the cause of Summons in the *Chambre de Peynte*, and the Knights and Commons are ordered to give an answer on Thursday.

April 17. (Easter.) A Convocation is held at York.

May 1. (15 of Easter.) A Convocation of the Province of Canterbury is held.

To obtain a sufficient *Subsidy*. (*z*)

Jan. 13. (Friday in St. Hilary.) A "Parliament" (*Colloquium et Tractatus*) is held at Westminster. 1352.
A. R. 25
of Fr. 12

Writs are issued to the Archbishops and 18 Bishops, with the Clause, 24 Abbots, the two Priors, to Edward Prince of Wales, &c., to Henry, *Duke of Lancaster*, 11 Earls, 52 Barons, 10 of the Council, 4 *Servientes Regis*, to all the Sheriffs, and to the Warden.

It is granted to the Abbot of Gloucester, as a special favour, to be excused attending personally in Parliaments, "*Congregationibus et Conciliis*," and to appear only by a sufficient Procurator, on account of the King's affection towards the Church of St. Peter, Gloucester, in which are deposited the Remains of his Father, Edward II. (*a*)

Sir John de Codrington, Clerk of Parliament, makes the usual Proclamation in Westminster Hall, and the City and Suburbs of London. Petitions are to be presented before Wednesday.

(*10*) Rep. App. IV., 586.

(*x*) Rep. App. IV., 587.

(*y*) Dugdale, Rep. App. IV., 587-590. The Test for this Parliament is 25 Nov., A. D. 24. The P. H., I, 273, says, a Parliament was summoned by Writs of 25 Nov., for Aves of St. Hilary, and was then adjourned to 15 Feb.; of which there appears no evidence. The proceedings have probably reference to this Parliament of Feb. 9.

(*z*) *Feod. sub. anno*. Rep. App. IV., 590.

(*a*) *Feod. 1352*. Dugdale, R. App. IV., 590-593. Tyrrel, quoted by the Ed. Parl. II, I, 275, is himself in error, when wishing to correct the mistakes of the Clerk of the Rolls. The King did not begin his reign on the First of this month, and the Parliament was therefore not by necessity in his 26th year. But the publication of the Lords Report, and of the Parl. Writs, supplies advantages far beyond the means possessed by those early and very industrious writers.

The Proceedings of this Parliament are, however, faithfully detailed in the Parl. Hist., I, p. 277.

Tuesday (5th day), the King causes the Commons to appear before him, and the "Grantz," in the Chambre de Peynte, and the Chief Justice declares the Cause of Summons. The Commons are to consult till the following day, and then, "as soon as the sun rises," to come and report their grievances.

The Chief Justice, M. W. Shreshull, on opening the Parliament, addresses principally the Commons, to obtain the necessary aids for the King, and proposes to them, in order to shorten their stay, that they shall elect 24 or 30 of their body, to go to the King in the Painted Chamber, and that the King will send to them some "des Grantz," to confer with the Persons so elected; that the rest shall assemble in the Chapter House, Westminster, and that the Persons elected shall hear what "les grantz" say, and report to their Fellows. To this, the Commons do not assent: but the whole body comes before the Prince, and "autres Grantz," on a subsequent day, and the state of affairs in France being submitted, they are desired to advise the King what was fit to be done. They are also told, to offer any Petition of Grievances, or for amendment of the Laws; and the Prelates and Lords are required to attend to the Trial of the Petitions, in the Places assigned to them. The Commons, after long deliberation, on Friday following, present to the King, in the Chambre Blanche, a Roll, containing the aid they had agreed to, and their Petitions for the Commonalty of the Land, to which they desire an early answer; and the King returns a gracious answer. They grant an aid of Three Tenths and Three Fifteenths, on *certain conditions*; amongst others, that no Knight, Citizen, or Burgess of Parliament, may be Collector of the Aids now granted.

The Commons complain of various other grievances, to which various answers are given.

A Petition, presented by the Archbishop of Canterbury, on behalf of the Clergy, states that the Archbishops and Bishops hold their Temporalities of the King in Chief, and so far are Peers of the Land, as are other Earls and Barons. (b)

1352.
A. R.
26

August 26. (*M. of Assumption of B. M. V.*) A Council, (*Colloquium et Tractatus cum Prælati, Magnatibus, Proceribus et aliis Fidelibus*), is held at Westminster.

Writs are directed to the Archbishop of Canterbury and 10

(b) "The Commons increased in consequence, notwithstanding the arbitrary charges imposed upon them." Rep. 321, and sqq. "Either circumstances had changed, or they had begun to feel more strongly their importance, and the King the necessity of attending to their complaints. The exertions of the Commons in this Parliament, tended to establish the Constitutional Law of the Country, on the subject of Taxes and aids to the King, on those principles which have now been long acknowledged and acted upon." (323). It appears from the petitions, that Land holden in Socage, immediately of the King, was liable to the aids for making the King's Son a Knight, or marrying the King's Daughter. Therefore, all the Lands in the Kingdom, except those holden in free Alms and the Demesne Lands, were, in some manner, charged with these aids, though in very different degrees. And, if the Charter of John, requiring all the Tenants in Chief to be summoned for the purpose of an extraordinary aid, extended to Tenants in Socage, an Assembly so constituted, represented all the Lands in the Kingdom not holden in free Alms, and the King's Demesnes, which included the principal Cities and Boroughs. (Rep. I. 322.)

Late in this year, by a Writ, tested, 1 Sept. "Four Justiciars are appointed to examine the Petitions presented in the last Parliament by the Archb. of Canterbury, and his Clergy." Furd. 1351.

By a Writ, this year, T. R. 12 d Sept. "The Bishop of Armagh is excused from attending in person the Parliaments and Councils at Dublin, as he cannot go thither in safety "cum Cruce ante se erecta," without a great Commotion of the Populace." Furd. A. R. 26, 1352.

Bishops, the Abbot of Westminster and the Prior of St. John, to attend in person, to 9 other Bishops, to appear personally, or by a sufficient Procurator, to the Prince of Wales, Duke of Lancaster, 11 Earls, 24 Barons, 8 of the Council and 8 "Magistri;" to all the Sheriffs to send *One Knight* only, "de provectionibus, discretioribus et magis exemptis, ista vice, ut homines ab occupatione autumnali quo minus possumus retrahamus."

Writs are also issued (for the first time) to *Henry, Duke of Lancaster*, to send the same from his County; to the Sheriffs of London to send two Citizens; to the *Mayor and Bailiffs* (for the first time) of 10 Cities and Boroughs, to send one Citizen, or Burgess, only, in consideration of the autumnal occupations; to the Warden of the Cinque Ports, for Two Barons only, for the same reasons; to a Monk of the Abbey of Chester, to attend, "cum omnibus Cronicis vestris et que sunt in custodia vestra;" to an Abbot of the same Abbey; to the Provincial Prior of the order of "Fratres Predicatores in Anglia;" and to the Provincial Prior of the order of Maria of Mount Carmel, in England. (c)

July 1. (Octaves St. John B.) A Council, (Colloquium et Tractatus,) meets at Westminster. 1353.
A. D.
27

Seventy Merchants are summoned from 23 Cities and Towns, besides 7 Lombards, 4 Germans, (Almanni) and 1 from Genoa, (De Janua.) (d)

Sept. 23. (Monday after F. of St. Matthew, Apostle.)
A Parliament, or "Great Council," (Colloquium et Tractatus cum Prælatibus, Magnatibus et Proceribus,) meets at Westminster.

Writs are sent to the Archbishops and 19 Bishops, the Prior of St. John of Jerusalem, to 25 Abbots, the Prior of Lewes, to Edward, Prince of Wales, &c., to the Duke of Lancaster, 11 Earls, 43 Barons, 8 of the Council, 4 Magistri, to the Sheriffs for *One Knight*, "cinctum gladio," to the Warden for One Baron from each Port, to the Sheriffs of London for Two Citizens, to the *Mayor and Bailiffs* of 37 Cities and Burghs to send Two Citizens and Burgesses.

In consequence of the absence of many Members, the meeting is adjourned to Friday, when the assembly takes place in the Chambre Blanche, and the Chief Justice Shareshull declares the cause of Summons, concerning the Staple of Wool, on which certain Ordinances are made.

Oct. 7. The Commons are summoned before the King, Prelates and Grantz, in the Chambre Blanche, when the state of affairs is made known. At the conclusion of the meeting, the Commons pray, that, "Whereas several Articles, touching the Estate of the King and the common profit of the Realm, were accorded in the Council then assembled, the same shall be rehearsed in the next Parliament, and entered on the Roll, as the Ordinances, made in Council, are not of record, as if made by the Common Parliament." To which the King assents. (e)

(c) Dugdale. Rep. App. IV. 593.

(d) Rep. App. IV. 596.

(e) Dugdale—Report L. c. This Assembly was not deemed a *Parliament* as that word had now begun to be generally considered. Rep. I. 223. The Rolls call it a Parliament, or Magnum Concilium.

1354. *April 28. (Monday after F. of St. Mark.)* A "Parliament" (Colloquium et Tractatus) is held at Westminster.

A. R.
28
of Fr.
15

Writs issue to the Archbishops and 19 Bishops, with the Clause, to 24 Abbots, *the Prior of St. John*, to Edward Prince of Wales, &c., the Duke of Lancaster, 11 Earls, 48 Barons, 8 of the Council, 4 Servientes Regis, to all Sheriffs, for Knights, Citizens, and Burgesses, to the Warden, for two from each Port, and to Henry Duke of Lancaster, as to the Sheriffs. (f)

On Wednesday, the Chief Justice declares the Cause of Summons.

The Commons having prayed, that as the Ordinances and Agreements made in Council were not of Record, and the King having agreed, that the Laws and Customs for the Staple, which were prepared at the last meeting, should be rehearsed and submitted to Parliament, the same are now recited. The Knights of Counties are desired to get copies from the Chancellor, and give their written opinion. Having consulted together, they approve the Ordinances as good and profitable, and desire they may be made a perpetual Statute. As such, they are entered on the Statute Roll. (g)

The Commons and Lords consult as to a Treaty of Peace, but the former answer, that on this subject, "whatever pleases the King and 'Grantz,' will be agreeable to them."

The Commons farther pray, that, as Tenants of Lords who hold by Barony, and are summoned to Parliament, claim to be discharged of the Expenses of the Knights, the King and Council will ordain that it be declared, whether those Tenants shall be charged with others of the Counties, or discharged, and the others charged. The King wills that it shall be done as heretofore. (h)

1355. *Nov. 12. (Thursday, Morrow of St. Martin in hyeme.)* A "Parliament" (Colloquium et Tractatus, &c.) meets at Westminster.

A. R.
29

The P. H., I 279, calls it also a Parliament, and says it did not sit to do business till Oct. 7, when all assembled in the White Hall, or Chamber of Westminster.

The Lords Report, I, 323, seems to admit an error of date, in stating this Council to have been held 8 days before the F. of St. Michael, the Archangel; which would be the 22. But the F. of St. Matthew being Sept. 21, and the Dominical Letter F, this Feast falls on Saturday, and the following Monday is the 23d.

(f) Dugdale—Rep. App. IV, 601.

(g) The King wished still to assume to the Crown, acting with the assistance of a Council, the power of making Laws of Regulation, such as the Ordinances in question; and perhaps imagined the Commons would not question this power, as they had done his power of imposing charges without the assent of the Commons duly assembled in Parliament, according to the Stat., 15 Edw. 11. Though, however, such Ordinances, according to earlier practice, might have been deemed sufficiently sanctioned by the King's Order in Council, they suggested the propriety of giving them the force of a Law and Statute by the sanction of a Parliament, thus establishing the difference between an Ordinance and a Statute. The importance of the Commons was evidently increasing, and it does not appear that the King afterwards assembled a Council similar to that of his 27th year, unless that at Winchester, in his 45th, was of the same description. The Ordinances were not then acknowledged as Statutes, till confirmed by a subsequent Parliament; a complete acknowledgment, that the Constitution for legislative purposes was declared by the Stat. 15 Edw. 2. Rolls 28, Edw. 3. Rep. 324-478. See P. H., I, 282, for Proceedings in this Parliament and the Petitions at length.

(h) The ground on which the Lords claimed exemption for their Tenants seems to have been that they represented those Tenants who were charged with Aids by Grants; and that the Knights were not their Representatives, and therefore could demand no wages from them. From an Entry in this Parliament, it appears, that holding by Barony, and by Knights service only, were considered distinct, and that a Writ of Summons to Parliament did not necessarily follow Tenure by Barony. Rep. I. 323-6.

Writs are directed to the Archbishops and 19 Bishops, with the Clause, to 24 Abbots, *the Prior of St. John*, the Duke of Lancaster, 7 Earls, 41 Barons, 10 of the Council, (including 4 Magistri,) 4 Servientes Regis, to all the Sheriffs, and the Warden, for 2 Barons; also, to the Duke of Lancaster, or his *Locum Tenens* for the Dutchy, (as to the Sheriffs).

This Parliament is prorogued to Monday after F. of St. Edmund, King and Martyr, (Nov. 23) and again to Wednesday, Nov. 25.

Nov. 24. Mr. Walter de Marny declares the Cause of Summons in the "Chambre de Peinte," chiefly relating to the Treaty of Peace. The Members are to give in their answers on Friday, on which day, they make a Grant, and present many Petitions. (i)

A Convocation of the Province of Canterbury is ordered to St. Paul's, Monday after Feast of St. Martin (Nov. 11), and at St. Peter's, York, for that Province, Monday, Morrow of St. Nicholas (Nov. 14).

June 26. (Sunday after F. N. St. John Baptist.) A Council (Colloquium et Tractatus) meets at Westminster. 1356.
A. R. 30

One hundred and seventy Merchants are summoned from various places. (k)

Jan. 27. (15 of St. Hilary.) A Council is held at Westminster. 1357.
A. R. 31

One Person (Clericus) is summoned. (l)

April 10. (Monday in Easter Week.) A "Parliament," (Colloquium et Tractatus cum Prælati, Magnatibus et Proceribus,) meets at Westminster.

Writs are issued to the Archbishops and 18 Bishops, with the Clause, to 24 Abbots, *the Prior of St. John*, 7 Earls, 37 Barons, 15 of the Council (including Magistri); to all the Sheriffs and the Warden; also to the Duke of Lancaster, or his Lieutenant for the Dutchy.

Writs are also issued for a Convocation at St. Paul's, on the 24th April, (M. of St. George), and at St. Peter's, York. (m)

Feb. 5. (Monday after F. of Purification.) A "Parliament," (Colloquium et Tractatus, &c.,) assembles at Westminster. 1358.
A. R. 32

Writs are directed to the Archbishops and 18 Bishops, with the Clause, 214 Abbots, *Prior of St. John*, to Edward, Prince of Wales, the Duke of Lancaster, 11 Earls, 50 Barons, 16 of the Council, and to the Sheriffs for 2 Knights "gladio cinetos," to all the Sheriffs, the Duke of Lancaster, or his Lieutenant, and to the Warden. (n)

(i) Rolls 29, Edw. 3. Dugdale—Rep. App. IV, 603. See the P. H. I. 287, for the Proceedings.

(k) Rep. App. IV, 609. Fyenne Brev. Parl. Red. 375, gives, a. 29, Edw. 2, the first Writ for Four Citizens from the City of London.

(l) Rep. App. IV, 610.

(m) On the great Statute Roll of 31 Edw. 3, is an Ordinance for the State of Ireland. The Ordinance refers to custom as constituting the Legislative Assembly in Parliament, in Ireland, as the St. 15 Edw. 2, did to the Constitution of the Leg. Assembly in England. Rep. I, 326.

Dugdale—Rep. App. IV, 611-613. The Feod., anno 1357, mention a Fifteenth granted in this Parliament.

(n) Dugdale. Rep. App. IV., 616. Fyenne, B. P. R. The Indenture or Certificate of the Election of Burgesses for Yarmouth, Jernemuth, is very minute and particular, p. 274. London elects only Two (376.)

July 22. (Sunday after F. St. Margaret, V.) A Council, (Colloquium et Tractatus,) meets at Westminster.

The Archbishop of Canterbury, 6 Bishops, 6 Abbots, the Prior of Christ Church, Canterbury, the Prior of St. John, the Dean of Wells, 7 Earls, and 101 Barons and Members of Council and others, are summoned. (o)

1359. *Jan. 27. (15 of St Hilary.)* A Council is held at Westminster.

A. R.
53

The Sheriffs of London are directed to send various Merchants.

Nov. 10. (Sunday before F. St. Martin.) A Council, (Consilium Prælatorum, Magnatum et Peritorum,) is held at Westminster.

Writs are issued to the Archbishop of Canterbury, 6 Bishops, Prior of St. John of Jerusalem and St. Augustine, Canterbury, to 4 Abbots, 4 Earls and 19 Barons, in the King's absence.

Letters also issue for Convocations of Canterbury and York. (p)

1360. *March 9. (Monday before St. Gregory, Pope.)* A Council, (Colloquium et Tractatus cum Magnatibus et aliis de Communitate,) meets at Westminster.

A. R.
34

Writs are directed to the Sheriffs of 10 Counties, for 2 Knights, 2 Citizens and 2 Burgesses, and to the Sheriffs of London for 4 Citizens; also, to 15 other Sheriffs, and the Duke of Lancaster, or his Lieutenant, to send before Commissioners appointed at Worcester, Taunton, Lincoln, Leycester, 2 Knights, Citizens and Burgesses, on Wednesday before St. Cuthbert, (March 20); also, to 3 Bishops, 2 Abbots, 4 Barons, to attend at some of these places. (q)

April 13. (M. of Clause of Easter.) A Council is held in the Cancellaria.

Three Conventual Priors are summoned. (r)

1360. *May 15. (Friday, M. of Ascension.)* A "Parliament" (Colloquium et Tractatus, cum Prælati, Magnatibus et Proceribus) meets at Westminster.

A. R.
34

Writs are sent to the Archbishops, 17 Bishops, and one Keeper of Spiritualities, with the Clause, to 22 Abbots, the Prior of St. John, 4 Earls, 20 Barons, to all the Sheriffs, and the Warden; also, to the Duke of Lancaster or his Lieutenant, to cause to be elected Knights, Citizens, and Burgesses. (s)

(o) Fœd. sub anno. R. A. IV., 616.

(p) Fœd. 1359. Rep. Ap. IV., 618-619. The Writ to the Sheriff of London, for the first Council, employs the term "Præmunientes omnes et singulos Mercatores." Fœd. III., P. I., 467. Prynne p. 232, gives Returns from some Counties for a Parliament held A. R. 33.

(q) Fœd. 1360. Rep. App. IV., 619 to 622. This Council is called for an array of men on the threatened French invasion. A Writ, Prynne, 167, tested, 3 d. April, at Westminster, (A. R. 34) directs the Sheriff of Northumberland to elect 2 Knights "gladiis cinctos." He answers there was but one in the county, who was sick and impotent, therefore two others, "not Knights, girt with swords," are elected.

In this year, the city of London again returns 4 Citizens.

(r) Rep. App. IV., 622.

(s) Dugdale. Rep. App. IV., 622.

Jan. 24. (Sunday before F. Conversion of St. Paul.) 1361.
 A "Parliament" (Colloquium et Tractatus, &c.) is held ^{A. R.} 35
 at Westminster.

The Archbishops, and 17 Bishops, with the Clause, 24 Abbots, and the Prior of St. John, Edward Prince of Wales, the Duke of Lancaster, 11 Earls, 44 Barons, 13 of the Council, are summoned. Writs are also directed to all the Sheriffs, to the Duke of Lancaster or his Lieutenant, and to the Warden. All Members summoned are to attend "personaliter," and on the first day (t)

April 5 and 11. (15 and 3 weeks of Easter.) A Council is held in the Cancellaria, at Westminster.

Writs are directed to 4 Earls, 7 Countesses, 3 Baronesses, (sending aliquem, vel aliquos, de quibus confidunt) to 30 Barons, 4 Abbots (including Ouseye), 5 Conventual Priors, 12 of Council (six Magistri, one Prebendary). (u)

May 24. (Octaves of St. Trinity.) A Council meets at Westminster.

Ten Wool Merchants are summoned on the Staple.

March 11. (Friday, 2nd week in Lent.) A Council 1362.
 meets at Westminster to treat on the state of Ireland. ^{A. R.} 36

One Earl, 25 Barons, 3 Abbots, 5 Conventual Priors, 9 of Council (including 7 Magistri), are summoned, together with the Countess of Norfolk and 6 other Countesses, and 3 Baronesses, who are required to send as many armed men as their state will admit, to go into Ireland. (v)

Oct. 13. (15 of St. Michael.) A "Parliament," (Colloquium et Tractatus, &c.) is held at Westminster.

Writs are issued to the Archbishops and 17 Bishops, and 1 Keeper of Spiritualities, with the Clause, to 22 Abbots, 2 Conventual Priors, the Prior of St. John, to the King's Son, John, Earl of Lancaster and Richmond, to 8 Earls, 29 Barons, 9 of the Council, to all the Sheriffs (not to the Duke of Lancaster), and to the Warden.

The Statute passes "That all pleadings and judgements in the Courts of Westminster shall be, for the future, in English, whereas before they were wont to be in the French Language, ever since the time of the Conqueror. It is also ordained, that all Schoolmasters shall teach their Scholars to construe in English, and not in French, as hitherto, "in order that (in the words of the Commons Petition), the Subject may understand the Law by which he holds what he hath, and is to understand what he doth."

(t) Dugdale. Rep. App. IV., 624. P. H. I., 290, gives the Proceedings. The Articles of Peace between the Kings of France and England, are communicated to the Parliament.

(u) Ford. III. P. I. 609. Rep. IV. 627. This Council is summoned on the State of Ireland, and all holding Lands in Ireland and others, are required to attend a "Colloquium et Tractatus" thereupon. The Writ to Humfrey, Earl of Northampton and others, says, "Jam tanta vastitatis et destructionis miserie subicitur Terra Hybernica, quod nisi Deus avertat, et celerius succurratur eidem, ad totalem perditionem in proximo deducetur."

The following Council, of May 24, is also on the authority of the Ford. III. P. I. 617.

(v) Ford. 1362. Rep. App. IV., 629.

Other Statutes are made for the redress of Matters in the Church, for observation of the Peace, for settling affairs in Scotland, and enhancing the Price of Wool.

The King confirms Magna Charta, for the Tenth time in his reign, and having reached the Fiftieth year of his age, declares, he means to keep it as a Jubilee.

The Parliament continues to Sunday, Dec. 13, when a Subsidy is granted. Some of the Commons are directed to remain to speak with the King after the departure of the rest.

At the close of the Parliament the King creates his Son Lionel, Duke of Clarence, his Son John, (Earl of Lancaster), Duke of Lancaster, and his Son Edward, Earl of Cambridge.

The Knights coming and staying attend 47 days, at 4s. per diem. (w)

1363. *Oct. 6. (Friday, Octaves of St. Michael.)* A "Parliament" (Colloquium et Tractatus, u. a.) meets in the
A. R. 37
Chambre Blanche, at Westminster.

Writs are addressed to the Archbishops and 18 Bishops, with the Clause, 23 Abbots, 2 Conventual Priors and the Prior of St. John, to the King's Son, John, Duke of Lancaster, 9 Earls, 40 Barons, 9 of the Council, (including 3 Magistri), to all the Sheriffs, (none for the Duchy) and to the Warden.

Sir H. Grene, Chief Justice, adjourns the meeting to Monday, Oct. 9, when Simon Langham, Bishop of Ely, Chancellor, declares, that the King is desirous to know the grievances of his subjects, that he may redress, by their advice, any wrongs done to Holy Church, and reform all enormities, especially as to the manner of exhibiting Petitions in Parliament. The Commons give the King most humble Thanks for his great goodness, and humbly pray, that the King will enjoin the Archbishops and Clergy to put up prayers to Almighty God for the prosperity of his Majesty, in order to the peace and good government of the Land, and for the continuance of his Majesty's good affections towards his Commons.

The King demands of both Houses, whether they will have such Matters as they agreed on, by way of Ordinance, or Statute. They answer, "by way of Ordinance, that they may amend the same at their pleasure."

This Parliament continues, by Prorogations, till Friday, Nov. 13. (x)

1365. *Jan. 20, Monday. (Octaves St. Hilary.)* A "Parliament," (Colloquium et Tractatus, u. a.), is held at
A. R. 38
Westminster.

(w) Dugdale. Rep. App. IV., 631. The language of the Entry of these Creations imports grants of mere Personal Honours. There existed no Duchy of Clarence, nor did the King signify an intention to create such a Duchy. Lionel was not before even a Baron, nor was Edward. Rep. I. 326.

For the Proceedings of this Parliament, see P. H. I., 292. The Rep. I., 327 says, "At the opening of this Parliament, the Chief Justice appears to have addressed the Lords and Commons in English, and this practice was afterwards continued. The English Language had always prevailed as that of the body of the people, though the French had been used by those of higher condition. The French Language still continued in use in the Rolls of Parliament and other Proceedings, notwithstanding this Declaration of the King's will."

A. R. 36. The Community of the Villa Scardeberg, Yorkshire, elect two Burgesses, "ut Attornati nostri pro nobis respondendi, &c." Frynne, B. P. R. 283.

(x) Rolls 37, E. 3. Dugdale. Rep. App. IV., 634. P. II. 1, 294.

Writs are directed to the Archbishops, 16 Bishops, one Vicar general and one Keeper of Bishoprick, with the Clause, to 23 Abbots, 2 Conventual Priors and *the Prior of St. John*, to the Duke of Lancaster, 9 Earls, 40 Barons, 6 of the Council, to all the Sheriffs (none to the Duchy) and to the Warden. It is proclaimed that all are to attend "Tomorrow" in the Chambre de Peynte to hear the King's will.

Bishop Langham, Lord Chancellor, opens the Parliament.

Receivers and Tryers of Petitions, for England, Ireland, Wales, &c., and for Aquitain and other foreign Countries, are appointed.

The Commons "demorantz en pees" in the said Chambre de Peynte, the King retires with the Prelates and Nobles, to the Chambre Blanche, and there specially explains what he had before generally addressed to them and the Commons. The Commons are then admitted and specially informed of the same, and their advice is asked. The King addresses the Assembly, "vivâ voce," against the encroachments of the See of Rome; on which subject a Statute is made.

On Saturday, Feb. 18, an Aid is granted, and the King thanking the Lords and Commons, dismisses them. (y)

Jan. 27. (*Quindene of St. Hilary*.) A Council is held at Westminster. (z) 1366.
A. D. 40

May 4. (*Monday, Morrow of Invention of the Cross*.)

A "Parliament," (*Colloquium et Tractatus, u. a.*), assembles in the Great Hall at Westminster.

Writs are issued to the Archbishops and 17 Bishops, with the Clause, 23 Abbots, the Prior of Coventry, (the Prior of Lewes being excused from all future attendance at Parliaments and Councils), *the Prior of St. John*, to the Duke of Lancaster, 10 Earls, 41 Barons, 8 of the Council and 6 Magistri, to all the Sheriffs (omitting the Duchy) and the Warden.

The Bishop of Ely, (Langham) Lord Chancellor, declares the reasons why the Parliament is called. The Prelates and "grantz" are ordered next morning to the Chambre Blanche, the Commons to the Chambre de Peinte.

Receivers and Tryers of Petitions are nominated as usual. Each Estate is specially informed by the Chancellor, and their advice is asked.

His Majesty had lately received notice that the Pope, in consideration of the Homage which John, King of England, had formerly paid to the See of Rome for his Realm of England and Dominion of Ireland, and of the Tribute by him granted to the said See, intended by Process to cite his Majesty to appear at his Court, at Avignon, to answer for his Defaults, &c., whereupon the King desires advice of his Parliament. The Bishops, Lords and Commons declare, That neither King John, nor any

(y) Rolls 38, E. 3. Dugdale. Rep. App. IV., 636, P. H. 1., 295. The Rep. I, 327, states, that in the 38 Edw. 3, the Commons prayed, that all the Tenants of Lords, as well within Franchises, of whatsoever condition they should be, as without, should be assessed to the charges of Knights who were summoned to the Parliament for profit of the Realm, as other Freeholders; for otherwise, the remainder of the Commons would be very heavily charged. The King answered, "Let it be done as has formerly been done." This proceeding probably took place in the present Parliament, which summoned in the 38th, extended to Feb. 4, in the 39th year. There is no other Parliament of this year on Record.

(z) Ford, 17 Dec. 1365.

other King, could bring himself, his Realm and People under such subjection, without their assent; and if it was done, it was without assent of Parliament, and contrary to his Coronation Oath, and that they would resist and withstand such a Claim to the utmost of their power.

On Monday, May 11, the several Ordinances, &c., are recited, and the Assembly is dismissed. (a)

1368.
A. N.
42

May 1, Monday. A "Parliament," (Colloquium et Tractatus, &c.,) assembles at Westminster.

Writs of Summons for "*the first of May*," are sent to the Archbishops and 19 Bishops, with the Clause, to 23 Abbots, the Prior of Coventry, and of *St. John of Jerusalem*, to Edward, Prince of Wales, John, Duke of Lancaster, Edmund, Earl of Cambridge and 9 Earls, 41 Barons, 9 of the Council, to the Sheriffs and Warden, (omitting the Duchy of Lancaster.)

The King thanks the Members present for coming the first day, but, as many are absent, the King's Prolocutor, the Archbishop of Canterbury, (Dr. Langham) adjourns the Parliament for Three days, to Thursday, May 4. At the time appointed, the Archbishop opens the Cause of their meeting. The Prelates and Grantz are ordered to go to the *Chambre Blanche*, the Commons to the "*Petite Sale*."

Receivers and Tryers of Petitions are appointed.

On Friday, 5th, the day following, being assembled as usual in the Painted Chamber, the offer of Peace from David Bruce, King of Scotland, on condition of being discharged from Homage, is considered and rejected.

A considerable Subsidy is then asked, and granted. (b)

On the 21st, the King gives thanks to the Lords and Commons for their coming, and that day, all the Lords and divers of the Commons dine with his Majesty. (c)

1369.
A. N.
43

June 3, Sunday. (*Octaves St. Trinity*.) A "Parliament," (Colloquium et Tractatus, &c.,) meets at Westminster.

Writs are directed to the Archbishops and 17 Bishops, with the Clause, to 23 Abbots, the Prior of Coventry and *St. John of Jerusalem*, to the Duke of Lancaster, 10 Earls, 35 Barons, 9 of the Council, to all the Sheriffs and the Warden.

The members being assembled in the Painted Chamber, William of Wickham, Bishop of Winchester, Lord Chancellor, opens the Parliament. The King of England having given up the

(a) Rolls 40, E. 3. Dugdale. App. Rep. IV, 638. The Parl. Hist. I, 267, dates this Parliament from the 30th of March, which appears to be an error. No Writs of Summons tested in the 40th or 41st years, Edw. 3, are yet discovered. That Parliaments were held seems probable from the Letters Patent in the App. to the Rolls, 40 Edw. 3, directed to the Bailiffs, "*probis hominibus, et toti communitati*" of the Town of Chipping Norton, Devon, stating that "whereas they had shown to the King, that that Town *ought not to be burthened* to send any men to the King's Parliament, and had not sent before the 24th year of the King, when the Sheriff maliciously returned to the Chancery, that he had summoned the Town, as a Borough, to send 2 men &c., and so the said Town from that year had been burthened &c., the King, not willing that they should be *unduly burthened*, held the men of that Town and the Town, excused from sending any men to Parliaments and *exonerated them thereof for ever*. A similar writ issued A.N. 42, Rep. I, 327.

(b) This, in the Rolls, is said to be on the Monday following, which would be the 28th of May. It does not appear what passed between that day, and Sunday the 21st.

(c) Rolls 42 E. 3. Dugdale. Rep. App. IV., 641. P. H. I., 309.

style and title of the King of France, on certain conditions, which the King of France had not fulfilled, besides committing other aggressions, the advice of Parliament is asked. It is affirmed by the Prelates, and afterwards assented by the Dukes, Earls, Barons and other "grauntz" and Commons, "That, for the causes aforesaid, the King might justly reassume and use the name of King of France, by Right and good Conscience." Thursday, June 7. It is agreed to renew the War, and a Subsidy is granted by Lords and Commons. Many Petitions are presented. Among others, that, as "Temps de Memoire" now extends to Richard I., it may be limited to the Coronation of Edward "Aieul du Roy." The Law is ordered to be continued.

On Sunday, 10th June, the King gives them thanks for the great pains they have taken, and the Aid they have given him, "et issint departz le Parlement." (d)

Nov. 18. (Octaves St. Martin.) A Council is held at Westminster.

Feb. 24. (Monday, first week in Lent, namely, F. of 1371. Matthias, Apostle.) A "Parliament," (Colloquium et ^{A. R.} Tractatus, &c.,) is held at Westminster. ⁴⁵

Writs are issued to the Archbishops, 18 Bishops and 1 Keeper of Spiritualities, with the Clause, to 24 Abbots, the Prior of Coventry and St. John of Jerusalem, to Edward, Prince of Aquitaine and Wales, 11 Earls, 51 Barons, 9 of the Council, to all the Sheriffs, to send two Knights, "gladiis cinctos, in armis et actibus armorum magis probatos, circumspectos et discretos," and 2 Citizens and Burgesses, "de melioribus, valencioribus et discretioribus," and to the Warden.

All those summoned, to be at Westminster on Saturday in the F. of St. Peter in Cathedra, Feb. 22.

The Parliament meets in the Painted Chamber, and Wickham, Bishop of Winchester, the Lord Chancellor, opens the Cause of Summons, namely, the Expences of the King in the present War.

Both Houses agree to grant a Subsidy of £50,000 to be levied on every Parish, at 2s. 3d. average. The Clergy grant a separate aid of £50,000.

March 28. W. de Thorp, Lord Chancellor, adjourns the Parliament. The hearing and answering of Petitions is deferred till after Easter. (e)

March ... A Convocation of the Clergy of both 1371. Provinces is summoned, for a Competent Aid. (f) ^{A. R.} ⁴⁵

June 8. (Octaves St. Trinity.) A Council, (Colloquium et Tractatus,) is held at Winchester.

The Sheriffs of 37 Counties, are commanded to send certain

(d) Ford. 1369. Rolls 43 Ed. 3. Dugdale. Rep. App. IV., 644. P. H. I. 302. By Writ tested 16 d. Oct., a Convocation is ordered for both Provinces at the earliest day. Ford. 141. P. I. 890.

(e) Dugdale. Rep. App. IV., 646. P. H. I., 305. According to the Rolls, 45 Ed. 3, the Subsidy was granted on the 28th March, when the Lord Chancellor adjourned the meeting. The business of the intervening period is not specified, but, from the numerous Pleas, which always occur in the Parliaments of these days, there can be little difficulty in filling up such interval.

(f) Ford. 1371. Rep. App. IV., 642.

specified Knights, Citizens and Burgesses, *who were at the last Parliament*, and to save the trouble and expence of the rest, on certain matters connected with the last grant. Writs are also sent to 4 Bishops, 4 Abbots, 7 Earls, and 6 Barons.

Certificates are produced, "that the Number of Parishes in England, would not answer the Tax of £50,000 granted in the last Parliament." Thereupon, the Lords and Commons grant 106*s.* for each Parish, including the former grant, excepting the County of Chester, and the Possessions of the Church, amortized before the 20th Edward I., and taxed with the Clergy to the Tenth.

The Commons petition, "For that it had been declared to the King in the late Parliament by all the Earls, Barons and Commons, that the Government had for a long time been managed by men of the Church, whereby many mischiefs and damages had happened in time heretofore to the Dishonour of the Crown, and to the great prejudice of the Kingdom, that it would therefore please the King, that Laymen of sufficient abilities, and no others, might for the future be made Chancellor, Treasurer, Clerk of the Privy Seal, Barons of the Exchequer, Comptroller or other Great Officers and Governors of the Kingdom, &c. &c." The King answers, "He would do what seemed best to him, by advice of his Council." (g)

Oct. 6. (*Octaves St. Michael.*) A Council, (*Colloquium et Tractatus*), meets at Westminster,

(On Irish affairs.) The Bishop of Waterford and Lismore, the Dean of Dublin and three others, are summoned. (h)

1372. A. R. 46 Oct. 13. (15 *St. Michael.*) A "Parliament," (*Colloquium et Tractatus*), is held at Westminster.

Writs are directed to the Archbishops and 17 Bishops, with the Clause, to 25 Abbots, (including Oseney and Thorneye) the Prior of Coventry and *St. John of Jerusalem*, to 2 Earls, 17 Barons, to John de Cavendish, Chief Justice, to all the Sheriffs and the Warden.

Parliament is prorogued to Nov. 3, M. of All Souls.

Writs for the Prorogation, include Edward, Prince of Aquitaine and Wales, John, King of Castille and Duke of Lancaster, the Earl of Cambridge, (the King's Son) 6 other Earls, 18 other Barons. The Bishops of Durham and Carlisle, the Earl of Angus, and 4 Barons, are excused personal attendance on account of the necessary defence of the Marches of Scotland.

Richard, only son of Edward, Duke of Aquitaine and Prince of Wales, (the Black Prince), is appointed Custos of the Kingdom, (7 years old.)

(g) Rolls 45 E. 3. Dugdale. Rep. App. IV., 650. P. H. I. 307—where grounds are assigned for believing this to have been a Committee of the last Parliament. The grant made by it, in addition to the former grant, as applicable to each Parish, was submitted without complaint. In the Letters Patent of 48 Edw. 3, it is stated, that the "Magnates, Proceres, et tota Communitas regni," granted from each Parish 106*s.* The transactions of this Council and of the preceding Parliament, are entered on the same Roll, and the members continued as if it was one and the same Assembly. Stowe has preserved the Assessments in each county, with the number of the Parishes.

Not long after the answer given to the Petition of the Commons, Sir Robert Thorp, one of the Judges, was made Chancellor in the room of William of Wickham, and Lord Scroop, of Bolton, Treasurer, in place of the Bishop of Exeter. Barnes says, it was then enacted that, in future, the Chancellor, Treasurer and Keeper of the Privy Seal should be Laymen.

(h) Ford. 1371. Rep. App. IV., 653.

November 3, Wednesday. Parliament meets in the "Chambre Blanche."

M. John Knyvet declares the Cause of Summons. The Commons depart for the day. The King, Prince, Prelates, Dukes, Earls, Barons, and *Bannerets*, remain in the Chambre Blanche.

Nov. 6, Saturday. M. Guy Brian more especially explains the business for which they are met, to the whole Assembly, in the Chambre Blanche; when a Subsidy is granted by the Prince, Prelates, Dukes, Earls, Barons and Commons, towards the War.

Nov. 23. An additional Fifteenth having been granted by the Estates, the King thanks them for their Aid. The Petitions of the Commons are then read and answered. Amongst others, a Petition of the Commons is granted, "That, henceforward, no Lawyer 'pursuant busoignes en la Court du Roi' nor Sheriff while in office, shall be returned as a Knight of the Shire, nor those now so returned have any Wages; but that Knights, 'Chivalers' and Serjeants 'des meulz vanes du paies' shall be chosen in full County." Leave is then given to the Knights to depart, and sue their Writs for Expences; but the Citizens and Burgesses are ordered to remain, and they are prevailed upon to grant a continuation for a year, of an Aid, granted in the former year, of certain Duties on Wines and Merchandize coming to the Kingdom. (i)

November 23. (M. of St. Edmund K.) A "Parliament," (Colloquium et Tractatus, u. a.,) is held at Westminster. 1373.
A. H.
47

Writs issue to the Archbishops and 18 Bishops, with the Clause, to 25 Abbots, (with Oseneye and Thorneye), the 2 Priors, 6 Earls, 33 Barons, to Edward, Prince of Wales, to J. de Cavenish, Chief Justice, and 6 of the Council, to all the Sheriffs, to send 2 Knights "*gladiis cinctos, seu Armigeros, digniores et probiores, et in actibus armorum magis expertos et discretos, et non alterius condicionis,*" and two Citizens and Burgesses "*de discretioribus et magis sufficientibus, qui in Navigio et in exercitio Mercandiarum notitiam habent meliorem,*" and to the Warden.

The Commons meet in Westminster Hall, and are ordered to their "Hostieux," till the next day, when Parliament assembles in the Painted Chamber, and M. John Knyvet, Lord Chancellor, declares the Cause of Summons, the state of the War with France, and the necessity for a Supply.

The Commons, by the King's command, consult apart, and are to return on the following day, so as to be near the grauntz in the Chambre Blanche, if they wish their advice. They ask such assistance, and certain Bishops and Lords are named to treat with them in the Chamberlain's Chamber. The Consultation lasts till Tuesday, the Eve of St. Andrew, Nov. 29, on which day, the King, Bishops, Lords and Commons, being again assembled in the White Chamber, the Commons deliver a Schedule of the Aid granted, beginning, "The Lords and Com-

(i) Dugdale. Rep. App. IV. 653-655. See Rep. I. 328, for "Banerettes," said to be present in this Parliament.

The Proceeding of the grant from the Commons is a proof of the loose ideas then prevailing on Taxation. It seems to have been conceived, that the Persons immediately to be charged might grant an Aid of Duties chargeable, in the first instance, on themselves, though the charge might ultimately affect the whole kingdom. The dismissal of the Knights was in direct violation of the Stat. 15 Edw. 2, &c.

mons of England have granted to the King in this present Parliament, a fifteenth, &c." These Subsidies are granted, on Proviso, that no other Charge should be laid upon the People for two years; that what was granted might be spent in maintaining the Wars, and that no Knights of Shires, or Esquires, Citizens or Burgesses returned for this Parliament, might be Collectors for this Tax.

The Petitions of the Commons are then presented, and answers are given. The first of these, requires a Confirmation of the Great Charters.

The Commons are told, that those who would attend and have answers to their Petitions, and sue their Writs for expences, may remain, and the others may depart. "Et issint departi le Parlement."

Writs, tested, Oct. 4, require the Archbishops to cite a Convocation of their respective Provinces at St. Paul's and St. Peter's, at the earliest day, for a Competent Aid. (k)

1376. A. R. 50 "February 12." A "Parliament," (Colloquium et Tractatus, &c.,) is summoned to Westminster.

Writs are directed to the Archbishops and 19 Bishops, with the Clause, to 23 Abbots, the 2 Priors, to Edward, Prince of Wales, to John, King of Castille and Leon, and Duke of Lancaster, to the Earl of Cambridge and 8 Barons, 39 Barons, to Cavendish, Chief Justice and 8 of the Council, to all the Sheriffs, for Knights "cinctos gladiis," &c., to the Warden, and to the Sheriff of Bristol to send 2 Burgesses.

The Parliament is prorogued to Monday after the F. of St. George, (April 23.) (l)

April 28. Some Sheriffs not having returned their Briefs, and some Prelates, Nobles, Knights, Citizens and Burgesses not being arrived, the meeting is adjourned to the following morning (29th) at Eight o'clock, when the Prelates, Dukes, Earls, Barons, Knights and Commons, Justices, Serjeants, &c., meet in the Painted Chamber, before the King. M. John Knyvet, Chivaler, Lord Chancellor, opens the Sessions, by declaring the Cause of Summons. The Prelates and Lords are then desired to consult *by themselves*, and the Commons *by themselves*. The Commons retire to their wonted Place, the Chapter House of the Abbey. A Committee of Lords is named to assist and advise

(k) Rolls 47, E. 3. Fœd. 1373. Dugdale. Rep. App. IV., 659-662. The importance of the Commons had now the effect of introducing an inaccuracy of Language on the Rolls, as well as in common transactions. The Legislative Assembly in the King's Parliament was frequently spoken of, and considered as the Parliament; and this habit increased as that business which had been the ordinary business of the early Parliaments, acting in the Character of a mere Council of the Crown and Court of Justice, decreased. Rep. I. 329. "The meaning of 'issint departi le Parlement,' was that the Commons were dismissed, as the Parliament might remain for all the purposes for which the presence of the Commons was not deemed necessary."

"The distinct Assembly of the Clergy of one Province was not uncommon. The Privileges insisted upon by the Clergy under the sanction of the Pope, probably rendered distinct Grants by the Clergy necessary, but they, in a degree, militated against the Constitutional Principle declared by the Stat. 15, Edw. 2, which does not appear to have been always fully acted upon."

(l) Dugdale. Rep. App. IV., 662-665. P. H. I., 318. This is the first Special Writ to the Sheriffs of Bristol. In the last Parliament, the Burgesses of Bristol had required that the said Town, with the Suburbs thereof might be a County of itself, with other matters. Which the King grants. See this Parliament noticed, Fœd. 1377. T. R. 18 Feb., A. R. 57.

Dugdale's Writs, say it was called for Monday after F. of St. Gregory, (March 12) which would be March 17; but the Lords' Reporters have probably examined the Originals.

with them. After due Consultation, the whole assembly unanimously agree upon a Grant for a Subsidy.

The Commons petition that Richard de Bordeaux, son of the late Prince of Wales and Heir to the Throne, may come before Parliament, that they may see and pay him due honour. He is presented on Tuesday, the Morrow of St. John. The Commons pray that he may be created Prince of Wales. They are answered, that it does not belong to the Prelates or Lords so to do, but to the King, and they promise their mediation with the King, to this effect.

The Commons recommend an augmentation of the King's Council, to be continually near the King, to which, under certain Provisos, the King agrees. (m)

The Commons, farther, protest against the conduct of the King's Ministers. They also pray, "That Justices of the Peace may be named in every County by the Lords and Knights of the said County, in Parliament, and sworn before the King's Council, and not be removed without consent of Parliament, and that they may be allowed Wages." It is agreed, that "they shall be named by the King and his continual Council, and, as to wages, the King will consider of it." (n)

The Commons pray that the King will please to establish by Statute, that every year there may be held a Parliament "*de faire corrections en Roialme des Erreurs et Fautes, si nuls y soient trouvez*;" that the Knights of Counties shall be elected by Common Election "*de les Meilleurs gentz*" of the same Counties, and not certified by the Sheriff alone, without due election, under a certain penalty, and that, in the same manner, the Sheriffs of the Counties shall be elected from year to year. "The King wills that they shall be elected by common assent of all the County." (o)

April 27. (15 of Easter.) A Council is summoned to Westminster. 1376.
A. D.
50

Writs are issued to the "Gubernator et Custos" of Ireland, and to 2 Barons of the Irish Exchequer, on the Reformation of the State of Ireland.

A Convocation of the Clergy of the Provinces of York and Canterbury, is ordered, at the earliest possible day, by Writs to the Archbishops, for a competent Aid. (p)

June 7. (Saturday after June 4.) A "Parliament" meets at Westminster.

Philip de Courtenay, Admiral of the Fleet, "Persona Ecclesiæ de Hakeneye," and another, are summoned. (q)

(m) It appears that this measure was adopted, "since the King, through age and weakness, was unable to govern." See Kennet in Daniel, p. 232.

(n) Several impeachments and dismissals take place in consequence of this Petition of the Commons. F. H. J., 321.

(o) Halls, 30 Ed. 3. Rep. i. 329. "The King's answer seems to import, that all the Freeholders of the County, Suitors to the County Court, where the Elections ought to have been made, should be the Electors. The grievance, probably, applied to the arbitrary conduct of some Sheriffs. It is remarkable that no statute to this effect appears in any of the printed collections, though it seems to have been the first Declaration in Parliament by what assent the Knights of Shires should be chosen."

(p) Rep. App. IV., 697, 698. Ford. 1376.

(q) Rep. App. IV., 698. The Chief Justice of Ireland and the Archbishop of Dublin, Chancellor of Ireland, are directed, by a Writ, to levy on the Counties, Cities and Boroughs, reasonable expenses for those who attended the King's Council, coming and returning. Another Writ commands the Mayor and Bailiffs of the City of Cork, to "compel" those, who refuse to pay the reasonable expenses of a Citizen of Cork, lately elected and sent to the Council. (699.) Ford. 1376.

1377. *Jan. 27. (15 of St. Hilary, and Tuesday after Con-*
version of St. Paul.) A "Parliament" (*Colloquium et*
of Fr. Tractatus, cum Prælati, Magnatibus, et Proceribus)
 51 meets at Westminster.
 58

Writs are addressed to the Archbishops and 17 Bishops, with the Clause, to 21 Abbots, the two Priors, to Richard, Prince of Wales (Duke of Cornwall and Earl of Chester), to John, King of Castille, and Lionel, Duke of Lancaster, Edmund, Earl of Cambridge, (the King's sons) to eight Earls, Thomas de Wodestok, "Constabulario Angliæ," Henry de Percy, "Marescallo Angliæ," to 34 Barons and "Chivalers," to Michael de la Pole, Admiral of the North Fleet, to all the Sheriffs for two Knights "gladiis cinctos," &c., to the Sheriff of Bristol, to John de Cavendish, Chief Justice, and nine Judges and others of the Council, and to the Warden of the Cinque Ports. (r)

Parliament meets in the Painted Chamber, in the presence of Richard, Prince of Wales, (ten years of age,) as Commissioner, who occupies the King's Seat.

Dr. Houghton, Bishop of St. Davy, Lord Chancellor, pro-rogues the meeting to the next day, and then opens the session in a long harangue. M. Rob. de Asshton, Chamberlain of the King, next enlarges upon the various usurpations of the Pope. The Commons are desired to repair to the Chapter House, to treat on the Safety of the Kingdom, and how money may be most speedily raised with the least grievance of the People. Certain Lords are also appointed, from time to time, to confer with the Commons, for *their better direction and information*. After consultation, the Lords and Commons grant four-pence, by way of *Poll*, from every person of the Kingdom, male and female, above fourteen years of age, except mere beggars. They humbly pray to be excused, "that they were not able at present to pay more."

Feb. 23, Monday. The Commons present many Petitions, and are dismissed. Among many other matters, they pray, "That Statutes, made in Parliament, may not be annulled, except by common assent in Parliament." It is answered, they cannot be otherwise repealed. Also, "that in time to come, no Common Aid or Charge be made, unless by common assent of the Prelates, &c., in full Parliament." The King answers, he is not willing at all to lay a charge upon the People without the Commons assent, except under great necessity, and for the defence of the Realm, and where he may do it with reason." (s)

Another Petition states, "For, that, of common right of every County of the Kingdom, there are and should be elected, two Persons, to be at the Parliament, for the Community of the said Counties, save for Prelates, Dukes, Earls, Barons and such as hold by Barony, "et ceux sont et serront somonez par brief de venir a Parlement" except ("fors pris") Cities and Boroughs, which ought to elect for themselves such as should answer for them; which persons, elected by the Commons of the said Counties, have their accustomed expences for the time of their stay, and, for that, have a writ to the Sheriff to levy the

(r) Dugdale. Rep. App. IV, 699. The Abbot of Evesham, thought exempt by Letters Patent from personal attendance at all Parliaments, is requested to be present at this. L. c. 672.

(s) Parl. H. I, 328.

amount. That it please the King to ordain in this Parliament, that such expences be levied of all the Commons of the said Counties, as well within Franchises as without, except "fors pris" the Franchises of the Cities and Boroughs, and except of those who come also to Parliament by writ of Summons, and of their Tenants, who hold in Bondage." The answer is, "Soit fait come devant ad este use en ce Cas." (t)

Another Petition of the Commons is, "That no Statute nor Ordinance shall be granted at the Petition of the Clergy, if not by assent of the Commons; and that the Commons shall not be bound by any Constitutions which the Clergy make for their own advantage, without assent of the Commons: for the Clergy will not be bound by any of the King's Statutes, or Ordinances, made without their assent." It is answered, "Soit ceste matir declaree en especial."

..... A Convocation of the Clergy of the Provinces of Canterbury and York is summoned to St. Paul's, London, and St. Peter's York, at the earliest possible day.

Writs are addressed to the Archbishops.

"Feb. 16." A Council is held at Westminster.

Edmund de Arundell is summoned. (u)

(t) Rolls 51 Ed. 3. This Petition and answer resembled those in the 28th and 38th Edw. 3. From all these, it should seem that the wages of the Knights had not been levied of those who were summoned by writ, or of their Tenants who held in Bondage. The two first Petitions aimed at charging all the Tenants of persons so summoned, the latter excepted their Bond Tenants, who seem to have been considered, by the Lords, as Tenants of their respective Demesnes. In all these cases, the answer refers to usage. The Writ to the Sheriffs, 2 Edw. 3, commands, that "from the Community of the County, as well within liberties as without, certain expences should be paid." For the Citizens and Burgesses, from the Community of the City or Borough. Neither Writ specifying more clearly from whom the Expences were to be levied. This, in Cities and Boroughs, probably depended on Custom according to their different Constitutions; and as it was reasonable that those who had the right of Election should pay the expences, that right possibly generally produced the Custom. (Rep. I. 330). See, also, on the "Common Right", asserted in the Petition. It seems manifest that the Constitution of the Legislative Assembly of the Country had undergone a change between the time of John, and the 51st Edw. 3; and that the change had taken place so long before the 51st, as to create what might be called a Custom. The custom by which Knights of the Shires formed a part of the Legislature, was in effect declared and established as a Custom by the Stat. 15, Edw. 2. All the Tenants in Chief had no longer a right to demand Summons to Parliament. Either by law or practice, two persons elected by each County had been substituted for those Tenants in Chief, who had not Special Writs; such persons, at length, were elected by all the Freeholders of the County, whether holding in Chief of the Crown or of others, for the Commons would not charge with the expences those who had no voice in the Election of such Representatives. By the Tenants in Bondage were probably meant Copyhold Tenants, and such others, perhaps, as were not Freeholders. (331). It seems from the Petition, that the Commons considered that holding by Barony alone, exempted no one from the Charge, unless he was also Summoned to Parliament by Writ. Many probably held by Barony who were not Summoned. (331). It is extraordinary that the Statute, 15 Edw. 2, was never noticed in any of these proceedings. See Rep. I. 333, for the distinction of the Two Legislative Assemblies: one Spiritual, and the other Temporal, and the power of the Prelates as Members of both.

(u) Rep. App. IV, 671-672. Prynne, B. P. R., p. 19, says 19 new Boroughs were Summoned in this Reign, besides 2 others, which made no election.

RICHARD II.

(June 22, 1377.)

1377. *October 13. (Tuesday, 15 St. Michael.)* A Parliament, (Colloquium et Tractatus cum Prælatiis, Magnatibus et Proceribus,) meets at Westminster.

A. R.
1

Writs are issued to the Archbishops and 19 Bishops, (with the Clause,) to 24 Abbots, including *the Abbot of St. John of Jerusalem* in England, the Prior of Coventry, to John, King of Castille and Leon, and Duke of Lancaster, (the King's Uncle), to 12 Earls, 47 Barons, to all the Sheriffs, for Knights, "gladiis cinctos," &c., to the Duke of Lancaster, or his Lieutenant for the Duchy, to the Sheriff of Bristol for 2 Burgesses, to the Chief Justice, and 11 of the Council, to the Constable of Dover and Warden of the Cinque Ports. (v)

The Assembly meets first in the "Chambre blanche" of the Palace at Westminster, and afterwards in the "Chambre de Peintée."

The Archbishop of Canterbury declares the cause of Summons. Receivers and Tryers of Petitions are appointed for England, Ireland, Wales and Scotland, for Gascony, "et autres Terres et Pays de la Mer et des Isles." Sixty-nine Petitions are presented "par les Communautés;" 14 from the Clergy, 9 from the City of London, and many others.

The Commons being desired to consult together, and advise how the necessary expences may be borne with the greatest ease to the People, &c., pray the King, "That for the great importance of the charge given them ('pur l'arduite de lour charges') and for the weakness of their abilities, ('le feiblesce de lour Pouairs et Sens.') he will be pleased to let certain Prelates and Lords be joined with them in consultation, which is granted, and *they name* the King of Castille and Leon, Duke of Lancaster, whom they choose "as their Chief Aid, 'Conforteur,' and Counsellor in this Parliament;" 4 Bishops, 4 Earls, and 4 Barons, accordingly.

M. Peter de la Mare, Chivaler, Knight of the Shire for Hereford, having "la Parole de par la Communauté" in their name proposes several Regulations in the Government, and makes many requests; among others, that eight sufficient persons may be appointed as Counsellors to be always with the King; that what was ordained in Parliament shall not be repealed without Parliament. The Prelates and Lords answer, that they will advise together, commanding the Commons, in the mean time, to go to their place, and to return on Thursday: when the Lords and Commons make a grant of Two Fifteenths and Two Tenths for two years.

(v) Rolls of Parl. III, 22. Dugdal. Rep. App. IV, 673. P. H. I, 335.

Des. 22. Alice Perrers is brought before Parliament and examined.

Among many Petitions (as above), the Commons first pray that the Franchises and Liberties of the Holy Church may be confirmed as they ought to be: That the Charters be confirmed, and that Officers and Counsellors, the Chancellor, Treasurer, &c., shall be made and provided by Parliament: Also, "That, whereas many are *delayed in the King's Court of their demands*, because it is alleged that the Petitions ought not to be answered without the King, and *many are thus aggrieved by the King's Officers against Right, from which grievance recovery cannot be had but by common Parliament*, it is prayed that *the King will hold a Parliament once a year* in a convenient place, and that in such Parliament the *Suits which have been delayed, and the Pleas or Causes on which the Judges differ in opinion, shall be recorded and ended*; and in like manner, the Bills be terminated, which are delivered in Parliament, as Reason and Law require."

It is answered, "Let the Statutes be kept as to the meeting of Parliament; and as to the place, the King will do his will. With regard to the Pleas on which the Judges differ, let the Statutes already made be observed."

The Commons petition farther, that the accustomed wages to Members of Parliament for the Commons, may be levied of every manner of person, within Franchises and without, having Lay Fee within the same County; and that no person having Lay Fee within the County shall be exempted; but that according to the value of his Tenure, he shall be contributory to such Wages, and also to the Taxes already granted, so that the Poor Men of the People might be supported by the Lords (les Seigneurs) and others, who to that time had not paid to the Taxes. It is answered that those Lords will not depart from their ancient Liberty and Franchise.

The Parliament sits from 13th October to 28th November, (forty-seven days,) when the Commons are dismissed, but the Prelates and Lords continue to sit through the month of December. (w)

October 20. (*Wednesday after St. Luke, Evangelist.*) 1378.
A Parliament, (*Colloquium et Tractatus, &c.*) is held at ^{A. B.}₂ Gloucester.

Writs are issued to the Archbishops and 19 Bishops, with the Clause, to 23 Abbots, the Prior of Coventry and *St. John of Jerusalem*, to the King of Castille and Leon, Duke of Lancaster, the Earl of Cambridge, Duke of Britany and Earl of Richmond, the Earl of Buckingham, Constable of England, and 11 other Earls, 47 Barons and "Chivalers:" To all the Sheriffs for

(w) "Before the accession of Richard 2, a spirit of independence had been gradually rising amongst the body of the People. Their power and importance had risen in consequence of the sub-division of property. Various causes, and amongst others the Expenses of the Wars, under Edw. 3, which had compelled him frequently to have recourse to his People for pecuniary aid, had at length given to the Legislative Assembly and particularly to the Commons assembled in Parliament, a portion of that power which in time produced the present Constitutional System." (Rep. I. 335-6.) From the last Petition of the Commons, it appears, that the Lords not only claimed for themselves and their Tenants, an exemption from payment of wages to the Knights elected for the several Shires, whom they considered as not representing their Tenants, but also, perhaps, evaded the payment of some public Taxes. The Petition did not apparently seek to charge the Clergy except in respect to their Lay Fees, the rest of their Possessions being wholly free from any charges which were not the result of their own voluntary separate gift in Convocation. (R. 316.)

Knights, "gladiis cinctos," &c., to the King of Castille, &c., for the Duchy, to the Sheriff of Bristol for two Burgesses, to the Sheriffs of London for four Citizens, to John de Cavendish, Chief Justice, and 13 of the Council, to the Chief Justice "de Comuni Banco," and four others, and three *Servientes Regis*.

The meeting is adjourned to the next day, and the Commons are ordered to return to their "Hosteux," and to come very early.

Oct. 21, Thursday. The King and his three Uncles of Spain, Canterbury and Bucks, the 2 Archbishops, the Earl of March and nearly all the Bishops and Earls who could "*travailler*," the Abbots, Priors, Barons and "*Baneretts*," Justices and Serjeants, meet in the Great Hall of the Abbey of St. Peter. They send for the Knights of Shires, the Barons of the Cinque Ports, and the Citizens and Burgesses. The Bishop of St. Davy, Chancellor, "*qu'avoit les Parols*," opens the Sessions. He states first, that the Parliament was summoned for the honour and reverence of God and of Holy Church; Secondly, "*pur ce que autre foitz a la priere des Seigneurs et Communites estoit ordeigne et assentiez que Parlement seroit tenuz chascun an.*"

To the Commons, is assigned the House called the *Chapitre*, in the great Cloister of the Abbey. They are commanded to return the next morning, at Eight o'clock. Receivers and Tryers of Petitions are appointed.

Oct. 22, Friday. The Assembly meets at 8 o'clock, a. m., when M. le Scrop more particularly exposes the Cause of their meeting.

The Commons present M. James de Pekeryng, Chivaler, as having "*la Parole pour la Communite*." He requests, in their name, "That five or six Prelates and Lords may come to the Commons to treat with them about the Charge." The Lords answer, "They neither ought, nor will do it in that manner, which had never been but in the three last Parliaments; for the custom was for the Lords to choose a small number of six or ten, and the Commons as many of themselves, to treat together without noise; and then report what they had done to their Companions; and according to this method, the Lords will act, and no otherwise." To this the Commons assent.

The Commons request, "that the King will please to shew them how and in what manner the great sums given for the War have been expended." It is answered, that though there never was yet any account given of Subsidies, or any other Grants made in, or out of Parliament, to the Commons, or any other but to the King and his Officers, yet the King wills and commands of his own motion, to please the Commons (not that it was right for him so to do, or that he was obliged to it, only by reason of their request now made), that some of his Council shall clearly shew them the Receipts and Expences, so as it shall not be drawn into an example for the future." The Commons having examined the Enrolment, are well satisfied with the account "as being honourable for the King and Kingdom." They then agree to a Grant, and present many Petitions and Requests.

They, first, petition for the Liberties and Privileges of Holy Church.

They pray, farther, that the Wages of the Knights for the

County of Kent may be paid as other Knights throughout the kingdom, by the Communities of the said County, and not as heretofore by the Knights' Fees only, seeing that it is ordained to hold more frequent Parliaments than hitherto, which will be to the great charge of the Tenants of such Fees, if they should not have aid as prayed. "Soit use come avant ces heures ad este." (x)

March ... A Convocation of the Clergy of the two Provinces is ordered at St. Paul's, London, and St. Peter's, York, for a sufficient Aid. 1379.
A. N. 2

April 25. (Monday, 15 of Easter.) A "Parliament," (Colloquium et Tractatus, &c.,) meets at Westminster.

Writs are issued to the Archbishops and 19 Bishops, with the Clause, to 23 Abbots, the 2 Priors, to the King of Castille and Leon and Duke of Lancaster, Earl of Cambridge, Earl of Bucks, Constable of England, John, Duke of Brittany and Earl of Richmond, 11 Earls, 47 Barons, including 3 "Chivalers," to all the Sheriffs for Knights, "gladiis cinctos," to the Duke of Lancaster, &c., the Sheriffs of Bristol and London, to the Chief Justice and 11 of Council, and the Warden. (y)

M. R. le Scrope, Knight, Lord Chancellor, opens the Parliament, stating the necessities of the nation, and desiring the Lords and Commons to provide accordingly. They take these matters into consideration, and besides other Subsidies, grant a *Poll Tax* to be paid by persons of both sexes, and of different ranks, Estates and degrees in the Kingdom. (z)

The Commons Complain, "that the Knights of the Shires do not receive their full wages, as assessed on every Town in each County; that some Towns hold of the King and will pay nothing, though, their Tenure is not of ancient Demesne of the Crown; and that some Towns, within Franchises, and which belong to Peers of the Realm, who hold by Barony, will pay nothing, because their Lords are in the Parliament for themselves and their men in proper person; and that they apply the words "Their Men" so largely, that although a Lord has in one Town only 4 or 5 Bondmen and 100 or 200 who hold freely, or by Court Roll, yet they will not contribute to the expenses of the Knights." It is answered, "Let that be done which has been formerly accustomed." (a)

(x) Rolls of Parl. 2 Rich. 2, 111. 1378. Dugdale. Rep. App. IV, 676. Some doubt seems to have existed whether this was the Second or Third Parliament Rich. 2. The Parl. Hist. I, 349 says, "Dr. Brady and Mr. Tyrrel have misplaced this Parliament at Gloucester, making it the Second of this Reign, whereas the Statute Book and Sir Robt. Cotton, make it the third;" and such this History makes it. But the Rolls place it before the Parliament held at Easter, and the Writs in the Report, gives it the same position. This Petition tends to support the opinion that the Knights were originally considered as representing only the Tenants by Military Service, and that these were the only persons intended by the Charter of John to have been summoned to a Common Council of the Kingdom, with the Earls and "Majores Barones," for assessing extraordinary Aids and Scutage &c. It seems also to prove that, in the 2d Rich. 2, all the Freeholders of the County voted for the Election of the Knights, as there would have been no just ground for the Complaint, if the Freehold Tenants of Lands holden by Knights' Service had alone voted. These Petitions shew that there existed great doubt as to the principle, and that usage alone had produced this part of the Constitution of the Legislative Assemblies. If any Law had existed, that Law and not usage, would have been referred to. Rep. I, 338.

(y) Rolls of P. 111, Rich. 2. Dugdale. Rep. App. IV, 679. P. H. I, 344.

(z) Parl. H. I, 344, where see the Sums to be paid by all according to their different conditions.

(a) Not only the Towns of the King's ancient Demesne, but all Towns which held

The Commons farther pray, "That their Petitions may be answered before their departure, and that a Statute may be made to that effect, to be observed ever after." (b)

1380. *January 16. (Monday after St. Hilary.)* A "Parliament," (Colloquium et Tractatus, &c.,) meets at Westminster.

Writs are directed to the Archbishops and 19 Bishops, with the Clause, 22 Abbots, the 2 Priors, the King of Castille, &c., 13 Earls, 47 Barons (including 3 Chivalers), to the Sheriffs for Knights "gladiis cinctos" &c., to the Duke of Lancaster, &c., to the Sheriffs of Bristol and London, to the Chief Justice, 11 of the Council and to the Warden. (c)

Jan. 17. (Tuesday.) Parliament assembles in the "Chambre de Peintee," where the names of the Knights, Citizens, and Burgesses, are called over. M. Richard le Scrop, Chivaler and Chancellor, then declares the Cause of the Summons. Receivers and Tryers of Petitions are then appointed, and the Commons adjourn to their Place, and choose as their Speaker, Sir John Gildesburgh. They agree to a Subsidy, and "pray the King, that there may not be another Parliament called to charge his poor Commons, till a year after that time." (d)

The King and both Houses having resolved to enlarge the powers of the Justices of the Peace, the Prelates and Clergy, in Convocation, expressly protest against it, "That it had not, and should not pass with their consents." The King answers, "That he would not forbear, for their protestations, to make his Justices as he was wont, and by his Coronation oath was obliged to do."

Many Petitions are as usual, presented "to the King and Council in Parliament." (e)

Simon Sudbury, Archbishop of Canterbury, is appointed Chancellor. (f)

of the King claimed exemption, as the Knights were not their Representatives. If all Towns which held of the King sent their own Representatives, it would have been unreasonable to charge them with the wages of the Knights also, unless the Freeholders in these Towns had had votes in the Election of such Knights. The varying language of the different applications of the Commons, under Edw. 3, and Rich. 2, demonstrate that the Commons had no clear conception of any principles on which Representation was first instituted, in whom the right of electing Representatives of Counties was vested, or who ought to be charged with the Wages, and on what grounds. The Towns mentioned may have been only Market Towns, or Villages, which did not send Representatives. The Cities and Boroughs which did send seem to have been before excepted. It appears, that the Lords who held by Barony, and were summoned to Parliament, claimed to represent all their Tenants, as well their Bondmen as their Freehold and Copyhold Tenants; and that, even at this time, Tenure was insisted upon as the foundation of Representation in Parliament, &c. The Commons seem to have considered the Knights of the Shires as representing all the Freemen of their Shires, and, therefore, to have conceived that all who had lands, ought to be contributory to the wages of the Knights, including those who held by copy of Court Roll, though it does not appear that such Tenants ever voted in the election of Knights of the Shires. Under such different claims and opinions, usage alone could decide the question. Rep. i. 336-7.

(b) Rolls of Parl. III. Rich. 2, No. 17, sub anno.

(c) Rolls III. a. 3. Dugdale. Rep. App. IV. 682.

(d) P. H. I., 357.

(e) P. H. I., 357-8. The observation of Tyrrel on this proceeding of the Clergy is, that, "when assembled in Convocation, they were not then looked upon as a distinct Estate in Parliament, as some, without any just grounds, have supposed."

The Rolls III. 43, contain an answer to a Petition on the subject of *Irish Absenteeism*, which is worthy of notice.

(f) The Parl. H. I., 358, says, this appointment of the Archbishop was then looked upon as a degradation to his dignity.

..... A Convocation of the Clergy of the Two Provinces, the "Suffragans, Deans and Priors of Cathedral Churches, Abbots and Priors and others, "Electivos," exempt and not exempt, also Archdeacons, Chapters, Convents and Colleges, and the whole Clergy of the Diocese," is commanded for the earliest day, at St Paul's, London, and St. Peter's, York. (g)

November 5. (*Monday after All Saints.*) A "Parliament," (*Colloquium et Tractatus,*) assembles at Northampton. 1380.
A. D.
4

Writs are issued to the Archbishops and 19 Bishops, with the Clause, to 25 Abbots, the 2 Priors, the King of Castille, &c., to 10 Earls, 35 Barons and 1 Chivaler, to the Sheriffs as before, to the Duke of Lancaster, &c., "pro Ducatu," to the Sheriffs of Bristol and London, to the Chief Justice and 9 Judges and others of the Council, to 2 Servientes Regis, and to the Warden. (h)

The Assembly meets in a Chamber of the Priory of St. Andrew. But "the roads being impassable from continual rain," many were not arrived, and an adjournment takes place to the following Thursday, Nov. 8. The Commons, in the mean time, are ordered to go "a leur Hostielx pour leur aisir."

On Thursday, the Chancellor opens the Session. Receivers and Tryers are named, and the Commons are afterwards sent to consult together in a separate Chamber of the Priory. Sir John Gildersburgh (M. John Gildersburgh, Chivaler), "quavoit la Parole par le Comune" declares the Commons to be very poor, and the present demands are "outrageous and insupportable," he prays that the Prelates and Lords will treat by themselves, and propound the ways by which a reasonable Sum may be levied and collected. The Lords consult, and when agreed, order the Commons to come before them, and declare what they had resolved upon. After long consultation, the Commons propose, that if the Clergy, who occupy one Third of the Kingdom, will support one Third of the Charge, they will grant £100,000, so that the Laity shall be charged at 100,000 Marks, and the Clergy who possess a third part of the Kingdom, at 50,000. The Clergy answer, "That their Grant was never made in Parliament, nor ought to be so; and that the Laity ought not, nor could bind the Clergy, and the Clergy ought not, nor could, bind the Laity; but, that it seemed to them, if any ought to be free, it should be rather the Clergy than the Laity. They pray that the Liberty of Holy Church may be saved to them entirely, and that the Commons shall do what they ought on their part, and they will certainly do the same."

The Commons then grant a Poll Tax on all the Laity, "very Beggars excepted."

The Commons farther pray, "That the County of Chester, the Bishoprick of Durham and the Cinque Ports, and all other "Semblables" Places in the Kingdom, which are not comprised in the Common Taxes, may, amongst themselves, be charged according to their possessions, in aid for the defence of themselves,

(g) Rep. App. IV., 685.

(h) Rolls III, 4 R. 2. Dugdale, Rep. App. IV, 686.

and "de nous," as Reason requires. "The King assents to the Charge for the Cinque Ports, and as to Chester and Durham, will do what he can, saving their Franchises." (i)

1381. Sept. 16. (*Monday after Exaltation of the Cross.*)
A. R. 5 A "Parliament," (Colloquium et Tractatus,) is summoned to Westminster.

Writs are issued to the Archbishops and 18 Bishops, and 1 Keeper of the Spiritualities, with the Clause, to 24 Abbots, the Prior of Coventry, to the King of Castille, &c., 10 Earls, 46 Barons and 1 Chivaler, to all the Sheriffs, as before, to the Duke of Lancaster "vel ejus Cancellario," to the Sheriffs of Bristol and London, to the Chief Justice, 7 of the Council and 4 Servientes Regis, and to the Warden. (k)

This meeting is prorogued to

Nov. 3. (*Sunday, Morrow of All Souls,*) in the "Chambre de Peintee," when W. Courtney, Bishop of London, Archbishop of Canterbury, Elect, Lord Chancellor of England, this day being Sunday, adjourns the Parliament to the following Monday, Nov. 4, and again to Wednesday and Saturday, Nov. 9. On this last day, the names of the Commons are called over in the White Chamber, the Chancellor opens the Session. Sir Hugh Segrave, Treasurer, then addresses them, by the King's command. He states, among other things, that, in the late Rebellion, the King had been forced to grant to the Insurgents Letters Patent, under the Great Seal, enfranchising, to a considerable extent, those who were only Bond Tenants and Villeins of the Realm; for which the King, knowing it to be against Law, desires them to seek Remedy, and provide for the Confirmation or Revocation thereof." "If they desire to enfranchise and manumit the Villeins by common assent, he will assent to it." Receivers, &c., are named, and the meeting adjourns to Monday, early on which day the Commons are again called over, and the Chancellor declares the Cause of Summons.

The Commons retire to their accustomed place, the *Chapter House of the Abbey*, and on Monday, 18, present M. Richard de Waldgrave, Knight, their Speaker, whom desiring to be excused (first time) and discharged from the office, the King requires upon his allegiance, to stand, "as being chosen by his Companions." Upon which, he makes the usual Protestation.

The Lords and Commons, then, unanimously Resolve, "That all grants of Liberties and Manumission to the said Villeins and Bond Tenants, obtained by Force, are in disinherison of them, the Lords and Commons, and to the destruction of the Realm; and therefore null and void."

The Commons petition the King that they may have certain Prelates and Lords to consult with them, on the business sub-

(i) Rolls III. 4. Rich. 2. P. II. 1., 358. Rep. 1. 336.

"The answer of the Clergy shows how entirely they had separated themselves from the Laity in their Convocations, and that these meetings were wholly unconnected with, and independent of the National Assembly in Parliament." Rep. 1. 339.

The Cinque Ports had sent Representatives from the 42d Edw. 3. The County of Chester, and the Bishoprick of Durham, did not, Wales did not. Probably Wales, and certain Liberties which were not within any Counties, were included under "Semi-liberties." Rep. 1. c.

The Capitation Tax now granted, occasioned the Insurrection under "Wat Tyler and Jack Straw."

(k) Dugdale. Rep. App. IV. 688-691. Rolls III. 5 R. 2. Parl. II. 1. 363 et seq. Rep. 1. 339-340-41.

mitted to them, and being required to name the Persons, select 3 Prelates, the Duke of Lancaster, 5 Earls and 8 Barons, whom the King approves.

The Commons also pray, "That the Prelates by themselves, the Lords Temporal by themselves, the Knights by themselves, the Judges by themselves, and all other Estates singly, may be ordered to treat about their Charge, and that their advice may be reported to the Commons." It is answered, "That the King had charged the Lords and other 'Sages' to commune diligently on the said matters; but the ancient custom and form of Parliament had alway been, that the Commons should first report their advice to the King and Lords of Parliament, and not the contrary; and that done, the Lords' advice would be made known to them. The King wills that the ancient Customs and form of Parliament, be kept and observed."

After the Conference, the Commons make Complaint of various abuses in the Government, as the causes of the late Commotions, and present many Petitions on grievances and for a general Grace and Pardon, stating, that considering the rancour of the People, they neither dare nor will grant any Tullage. The King replies, "It was not the Custom of Parliament to have a general Pardon, when the Commons will not grant anything. He will advise farther of Grace and Pardon, untill they shall do what belongs to them. It was customary to grant Pardons the last day of Parliament, when he answered their Supplications and Petitions in Writing."

The Commons, then, in full Parliament, with the Prelates and Lords, grant a continuance of the last Subsidy until Candlemas next ensuing, and the King orders a Declaration of his Grace and Pardon.

On the 13th December, on account of Christmas, and the approaching Marriage of the King and Coronation of the Queen, at request of the Commons, the Parliament is adjourned to

Jan. 24. (*Friday, before Conversion of St. Paul.*) The meeting continueth till the 25th Feb., when a Subsidy of wool is granted. (f)

..... A Convocation of the Clergy of the Two Provinces is ordered, at the shortest day, at St. Paul's and St. Peter's Churches,

To provide a Subsidy, "competens et necessarium." (m)

May 7. (*Wednesday, M. of St. John before Port Latin.*)

A "Parliament," (*Colloquium et Tractatus,*) meets at Westminster.

Writs are directed to the Archbishops and 19 Bishops, with the Clause, to 24 Abbots, the Prior of Coventry, to the King of Castille, &c., 9 Earls, 44 Barons, (including 1 Chivaler), to all the Sheriffs of Counties, Bristol and London, to the Duke of Lancaster, or his Chancellor for the Duchy, and to the Warden. (n)

(f) Dugdale. In the Rolls, 5, Rich. 2, is a Summons to the Bailiffs and Community of the Town of Great Yarmouth to appear before the King in the Parliament at Westminster, on Monday, 10th day of February.

(m) Rep. App. IV. 694.

(n) Rolls 5, Rich. 2. Dugdale. Rep. App. IV. 694. This Parliament is referred to in the Parl. H. I, note p. 362, as mentioned by Cotton, but omitted by Brady and Tyrrel, probably because "nothing material was done." It is, however, placed in a wrong year.

13f2.
A. R.
5

The meeting is adjourned to *Thursday*, when M. Richard le Scrop, Chivaler, Chancellor, explains the cause of Summons On *Friday*, a Sum of Money is asked for the King's "voyage" for the defence of the Kingdom. *Saturday*. Certain Merchants, who are consulted as to "chevir la somme," refuse to contribute.

An Ordinance for a more regular attendance in Parliament is made. "The King wills and commands, and it is assented to by the Prelates, Lords and Commons, that all and singular Persons and Commonalties, who shall thenceforth have Summons of Parliament, shall come as they were bound to do and had been accustomed in ancient times; and that whatsoever Person, who shall thenceforth have such Summons, be he Archbishop, Bishop, Abbot, Prior, Duke, Earl, Baron, Banerett, Knight of County, Citizen of City, Burgess of Borough, or other singular Person or Commonalty whatsoever, shall be absent, or shall not come on such Summons, if he cannot reasonably and honestly (honestment) have excuse towards the King, shall be amerceed, and otherwise punished according to what had of old time been before used in the Kingdom in such case; and if any Sheriff shall be negligent in making Returns of Writs of the Parliament, or shall leave out of such Returns any Cities or Boroughs, which were bound and of ancient time used to come to the Parliament, he shall be punished in the manner accustomed to be done in the case of old time."

1382.

A. R.

6

..... A Convocation is commanded as before.

Writs of Sept. 14, are issued. (o)

October 6, Monday. (Octaves St. Michael.) A "Parliament," (Colloquium et Tractatus,) meets at Westminster.

Writs are issued to the Archbishops and 19 Bishops, with the Clause, 23 Abbots, the Prior of Coventry and *St. John of*

On the meaning of the word "Banneretz," and on the "ancient custom" here alluded to, see Rep. I. 340.

The Statute of 5. Rich. 2. may perhaps be considered as tending to give a permanent Title to those whose Ancestors had been summoned to Parliament by Writ, and might thereupon be deemed to have gained a right to like Summons by usage. In practice, however, this usage seems not to have been before deemed to extend to persons whose ancestors had not been constantly summoned; for there are many instances of persons summoned to Parliament, whose descendants were not so summoned. It has been said, that Earls were always created by Letters Patent, though the Title of Earl of Arundel has been claimed and allowed on a different and singular ground, of which there appears no other instance. The Title of Duke had been first given by the King's Grandfather, Edw. 3. and by Letters Patent. The Title of Marquis was afterwards introduced by Richard himself, by Patent; and in a subsequent part of his Reign, he created a Baron by Letters Patent; and it has been supposed there was no prior creation of the Dignity of Baron by Patent. From this time it may have been considered that the Descendants of all those who were then Peers, and not so created by Letters Patent, might claim the Dignity by Prescription, if summoned by a General Writ. Usage is applied in the same terms to Counties, Cities, and Boroughs, as to the Lords Spiritual and Temporal. Taking all these circumstances into consideration, this Statute, combined with that of the 15. Edw. 2. may have given a more fixed character to the Legislative Body than it before had; preserving to the Archbishops, Bishops, Abbots and Priors, accustomed to be summoned to Parliament, their Dignities: to the Temporal Peers, then in possession of the Dignity, Hereditary Titles, qualified wherever the Title had been qualified by its original and known Creation, and in other cases, descendible to all the Heirs of the Body of the then Peer, or of his Ancestor first summoned, and under whom he claimed his Dignity; and to the Counties, Cities, and Boroughs, which then sent Members to Parliament, it also confirmed their Rights of Representation; but applying to the Rights and Obligations of all, Usage as the Evidence of these Rights and Obligations." Rep. I. 342.

(o) Rep. App. IV., 697.

Jerusalem, to the King of Castille, &c., 9 Earls, 45 Barons, (1 Chivaler.) To all the Sheriffs, as before, to the Duke of Lancaster for the Duchy, to the Chief Justice, the Chief Baron of the Exchequer, 4 of the Council, &c., 2 Clerks, and to the Warden.

Parliament assembles in the "Chambre de Peintee," when the names of the Knights, Citizens and Burgesses are called over, and the Bishop of London, Lord Chancellor, opens the Meeting. Receivers, &c. are named, and the meeting is adjourned to Thursday early, in the Chambre Blanke, when the Bishop of Hereford declares more specially the causes of Summons.

The Commons retire to the Chapter House, and, as usual, petition to have some Lords joined with them, to consult upon the high matters offered to their consideration, and they name certain Lords, who are entered on the Roll accordingly. After a Conference, the Lords and Commons for those in Parliament, as for all the Community, for all Dukes, Earls, Barons, Baneretz, Chivalers, Esquires and other Seculars, Lords of Manors, Towns and other places of the Kingdom, within and without Franchises, grant a Tenth and Fifteenth, "to be employed as the King, by the advice of his Council, and the Lords of the Realm, shall think fit."

A Statute, levelled against John Wickliffe, having been passed in the last Session, under the Title, "An Act to Commission Sheriffs to apprehend Preachers of Heresy, &c.," without the consent of the Commons, the latter humbly petition the King that such Statute may be repealed;" and it is done accordingly. (p)

Feb. 23. (Monday, third week in Lent.) A "Parliament," (Colloquium et Tractatus,) meets at Westminster. 1383.
A. R.
6

Writs are directed to the Archbishops and 19 Bishops, with the Clause, to 24 Abbots, to the 2 Priors, to the King of Castille, &c., 10 Earls, 46 Barons, (with 2 Chivalers), to all the Sheriffs, as before, to the Duke of Lancaster, or his Chancellor, to the Chief Justice, Chief Baron of Exchequer, 4 of the Council, and 2 Clerks, and to the Warden.

The Bishop of London, Lord Chancellor, opens the Meeting.

The Commons, as customary, petition to have certain Prelates and Lords joined in their consultations, and desire the Archbishop of Canterbury, 2 Bishops, 3 Earls, 3 Barons, which is accorded; although "it was, and is, and ought to be in the Election of the King to assign such Bishops and Lords, as he shall think fit, or others of his own proper nomination."

After a conference, Sir James Pickering, Speaker, declares their advice, petitioning the King, on the part of the Commons, to regulate his Household.

The Commons pray that none may be allowed to depart from Parliament before their Petitions are terminated, and put in due execution; and that the Executors, "des ditz busoignes

(p) Rolls III., 6 Rich. 2. Dugdale. Rep. App. IV. 697. P. H. 1, 371, where the Act for obedience to summons to Parliament is erroneously given as passed in this Parliament.

In the Rolls, 6 Richard 2, is a Writ exonerating the Burgesses of the Villa, Colchester, from sending Burgesses to Parliament for five years, in consideration of the expenses they have incurred in fortifying their town, with walls of stone and lime. T. R. Westminster, 12 d. Dec.

puissent overtement estre conuoz as vos dites Communes devant leur departir pur ent faire relaçon a leur veisins en chascune partie, en grant confort de vos Communes avaut dites."

Warm debates ensue on the contest for the Papal Chair, between Urban VI. and Clement XI., and, by consent of Parliament, an Army is to be raised for Pope Urban, under the command of the Bishop of Norwich. (7)

1383. *Oct. 26. (Monday before F. of All Saints.)* A "Parliament," (Colloquium et Tractatus,) is held at Westminster.

Writs are sent to the Archbishops and 19 Bishops, with the Clause, 24 Abbots, the 2 Priors, the King of Castille, &c., 11 Earls, 48 Barons, (with 4 Chivalers); to all the Sheriffs, as before, to the Duke of Lancaster, or his Chancellor, to the Chief Justice, Chief Baron of Exchequer, 5 of the Council, and 2 Clerks; and to the Warden.

Sir Michael de la Pole, Lord Chancellor, opens the Session, in the "Chambre de Peintee," excusing, first, his own unworthiness to the Place "he was forced to accept," and then generally addressing the Assembly. He next particularly calls upon the Lords to "treat diligently by themselves, and laying aside all animosities, to report their advice from time to time," adding, that "his Majesty commands them to sit from Day to Day, to dispatch what they came for, and not to depart from Parliament without his Special Licence, under the Penalty that might ensue."

The Commons Petition against the Bishop of Norwich and others, who are impeached.

Nov. 24. The Commons with the assent of the Lords grant two half Fifteenths, and the Clergy "what became them." (r)

Nov. 12. (Morrow of St. Martin.) A Convocation of the Clergy of both Provinces is held, by command, at the Churches of St. Paul and St. Peter,

For a sufficient Aid. (s)

1384. *April 29. (Friday after St. Mark, Evangelist.)* A "Parliament," (Colloquium et Tractatus,) meets at Salisbury, (Novum Sarum.)

Writs are addressed as at the last Parliament.

None of the Barons of the Cinque Ports having arrived on the 7th day of May, they are, by fresh Writs, commanded to attend on the following Saturday.

The Assembly meets in the great Hall of the Bishop's Palace, where Sir Michael de la Pole, Chancellor, declares the cause of the Summons. Receivers and Tryers of Petitions are appointed,

(7) Rolls III. 6 R. II., 1382. Dugdale. Rep. App. IV., 700. Parl. Hist. I. 373.

(r) Rolls III., 6 R. 2. Dugdale. Rep. App. IV., 703. Parl. II. I., 377, erroneously called Nov. 1, but adjournments almost always took place from the first day named, to some days later, on account of the non arrival of members. A Writ addressed to the Sheriff of Surry, in connection with this Parliament, states, "That whereas you have elected Thomas Camoys, Chivaler, qui Banerettus est, sicut quamplures Antecessorum suorum extiterunt," such Baneretts being exempt from elections, as Knights, another is to be chosen." By another Writ, the Sheriff of Hertford and Surry, having chosen, &c., he is directed to exempt such person, as Chamberlain of the Queen Mother, Princess of Wales. Rep. App. IV., 707.

(s) Rep. App. IV., 706.

and the Commons come before the King, and petition, that certain Lords, named, may be granted to them for Conference, including the Duke of Lancaster and the Earls of Cambridge and Buckingham, his brothers, and 3 Bishops, 3 Earls and 3 Bannerets; which is granted.

The Lords and Commons then make a Grant of half a Tenth and Fifteenth, and with regard to certain Articles of Peace, the Commons declare "*That it does not beseech them to give advice therein* ; they humbly beg the King will do with the advice of his Council what seems best for his honour and profit and the "confort et aide" of his kingdom; and the "Poor Commons" beg to be discharged from giving any answer on the perils and mischiefs which may happen, "*que Dieu defende.*" Being urged, "Whether they desire Peace or War," they answer, "an honourable Peace for the King," but they hope, "he does not intend to give up his Territories gained from the French." It is said, "Peace could not otherwise be obtained," and being again pressed, they declare, "They rather choose Peace." (t)

Nov. 17 & Jan. 2. Convocations of the two Provinces ^{1384.}
are commanded at the Churches of St. Paul and St. ^{A. N.}
Peter, on these days, ₈

For an Aid.

Nov. 12, Saturday. (M. of St. Martin.) A "Parliament" is summoned.

The same Writs, as before, to Westminster, are issued. Being Saturday, the Parliament is adjourned to the Monday following, 14th. (u)

Nov. 15, (Tuesday.) The Lord Chancellor, M. Michael de la Pole, states the Cause of Summons, and adds that four ways and means will greatly speed and shorten this Consultation: First, to be early in the House; next, to repel all matter of Melancholy and Envy; the Third, to begin always on the most needful Enquiries; and Fourthly, to pursue them without admixture of any other subject. A Grant of Two Fifteenths is made, and many Petitions are presented.

..... A Convocation of both Provinces, for a Competent Aid, is commanded for some day after Mid-Lent ^{1385.}
Sunday, March 12. (v) _{A. N. 8}

..... A Convocation for both Provinces is again ordered for Monday after the F. of St. George, April 25. (w)

October 20. (Friday after F. St. Luke, Evangelist.) ^{1385.}
A "Parliament," (Colloquium et Tractatus,) is held at _{A. N. 9}
Westminster.

Writs are addressed to the Archbishops and 16 Bishops and two Keepers, with the Clause, to the King of Castille, &c., to the King's Uncles, Edward, Duke of York, and the Duke of Albemarle, 11 Earls, 48 Barons, to all the Sheriffs, to the Duke

(t) Rolls III., 7 R. 2. Dugdale. Rep. App. IV., 707, 710. P. H. I., 380.

(u) Rolls, R. 2. a. 9. Dugdale. Rep. App. IV., 711. P. H. I., 382.

(v) Rep. App. IV., 714.

(w) Rep. App. IV., 714.

of Lancaster for the Duchy, to the Chief Justice and Chief Baron of the Exchequer, 6 of the Council and 2 Clerks, and to the Warden. (x)

Sir Michael de la Pole, Chancellor, opens the Session. Large Grants are made, "by the agreement and consent of the King, Prelates, Noblemen and Commons, in full Parliament assembled."

The Laity having granted the Subsidies on condition that the Clergy shall give a certain sum, the Clergy protest that the Laity shall not Charge them. The Commons and many Lords say, that "the Clergy are grown to that excess of Pride, that it would be a work of Piety and Charity to clip their wings and reduce them to an humility suitable to their Profession." The King throws out the Bill,⁹ saying, "*he is resolved to leave the Church in as good an estate, or better, than he found it.*" The Clergy then make a free gift.

The Commons petition, that no Knight, Citizen or Burgess of Parliament be Collector or Assessor of any Tax granted in the present Parliament.

Edmund, Earl of Cambridge, is made Duke of York. The Earl of Bucks and Essex, is created Duke of Gloucester, and M. Michael de la Pole, Earl of Suffolk.

1385. A Convocation is ordered for both Provinces,
A. R. 9 for a sufficient Aid, on the Eve of St. Simon and Jude,
1386. Apostles, October 27, and the Morrow of St. Hilary,
A. R. 9 Jan. 14. (y)

A. R. A Convocation is ordered, as before, for the
10 F. of Translation of Edward, Confessor, Oct. 13, and for the 1st day of December. (z)

1386. October 1. A "Parliament," (Colloquium et Tract-
A. R. 10 atus, u. a.) meets at Westminster.

Writs are directed to the Archbishops and 18 Bishops, (or Keepers), with the Clause, 25 Abbots, the 2 Priors, to Edmund, Duke of York, Thomas, Duke of Gloucester, (the King's Uncles), to the Earl of Kent, (his brother), to Robert de Veer, Marquess of Dublin, and 8 Earls, 42 Barons and Chivalers, to all the Sheriffs, the Duke of Lancaster, or his Chancellor for the Duchy, to the Chief Justice, and Chief Baron of Exchequer, to 9 of the Council and 2 Clerks, and to the Warden. (a)

The Earl of Suffolk, (M. de la Pole), Lord Chancellor, opens the Session.

The Commons having resolved upon impeaching the Chancellor, the King retires. The Lords and Commons declare, "That they neither can, nor will proceed in any business of Parliament, till the King shall return, and shew himself, and remove Michael de la Pole from his Office." Thomas de Wodestok, Duke of Gloucester, and Thomas de Arundel, Bishop of Ely, are then sent, humbly to salute the King and to deliver the sense of both Houses to him: "That they have it settled and confirmed in our ancient Constitution, from a laudable and approved Custom, which none can gainsay, that the King ought to assemble the

(x) Rolls III., 9 R. 2. Dugdale. Rep. App. IV., 717. P. H. I., 384.

(y) Rep. App. IV., 720.

(z) Rep. App. IV., 720.

(a) Rolls, 10 Rich. 2. Dugdale. Rep. App. IV., 721. P. H. I., 390.

Lords Nobles and Commons *once a year*, unto his Parliament, as the highest Court of the Realm, in which all Equity ought to shine clear as the Sun; and wherein, as well Poor as Rich, may find never failing Shelter for their Refreshment, by restoring Tranquillity and Peace, and removing all kinds of Injuries, &c. This, moreover, is their Privilege, "That if the King will wholly estrange himself from his Parliament, for the space of forty days, not regarding the vexation of his people, nor their grievous expences, &c., it shall be lawful for them to return to their own Countries."

The King returns, and by advice and consent of Parliament, Thomas Arundell, or Fitzalan, Bishop of Ely, is made Chancellor, and the Earl of Suffolk is arrested, and placed in the custody of the Constable of England, and then impeached. The King makes many concessions to his Parliament. The Commons grant a Subsidy and present many Petitions.

On Wednesday, the 28th November, the Parliament is dissolved.

Aug. 25. A Council is held at Nottingham.

1387.

There were present, the Archbishop of York, Robert de Vere, Duke of Ireland, M. de la Pole, Earl of Suffolk, the Chief Justice of the King's Bench, and Nicholas Brembre, of London, Knight. Attempts are made to suborn the Sheriffs to return only such as the King shall nominate for the next Parliament; and to obtain answers from the Judges to particular questions condemnatory of the decisions of the late Parliament. (b)

A. R.
11

Feb. 3, Monday. (M. of Purification.) A "Parliament," (Colloquium et Tractatus,) meets at Westminster.

1388.

A. R.
11

Writs are addressed to the Archbishops and 19 Bishops, with the Clause, 23 Abbots, the Prior of Coventry, to the Dukes of York, Gloucester and Ireland, 9 Earls, 45 Barons, to the Sheriffs, to send Two Knights, "*gladiis cinctos, magis idoneos et discretos, et in Debutis modernis magis indifferentes,*" and two Citizens and Burgesses, &c.; to the King of Castille, &c., or his Chancellor for the Duchy; to the Sheriffs of Bristol and London, to the Chief Justice of the King's Bench and Chief Baron of the Exchequer, 8 of the Council and 2 Clerks, and to the Warden.

By a Second Writ to all the Sheriffs and the Duke of Lancaster, the Clause relating to the Knights is withdrawn, as being "*contra formam Electionis antiquitus usitate ac contra libertatem Dominorum et Communitatis regni hactenus obtentam.*" They are, therefore, to be chosen "*modo et forma prout antiquitus fieri consuevit.*" (c)

Thomas Fitz-Alan, or Arundell, Bishop of Ely, Lord Chan-

(b) P. Hist. I., 405.

(c) Rolls III., 11 R. 2. Rep. App. IV., 724. 727. P. H. I., 410. "The Writ to the Duke of Lancaster, or his Chancellor for the Duchy, the Sheriff being the Officer of the Duke as having Palatine Jurisdiction, was the ordinary form of proceeding, the Chancery of the Duke issuing a similar writ to the Sheriff of Lancashire. The County of Lancaster having sent members to Parliament before the creation of the County Palatine, and the Sheriff having then been the King's Sheriff, the County was not deprived of its franchise by the creation of the County Palatine; but the Sheriff having become the Officer of the Duke, the Writs were issued to the Duke or his Chancellor, and not to the Sheriff. By usage, therefore, the County sent members after the erection of the County Palatine, as by usage, Chester and Durham did not." Rep. I., 343.

The Rolls contain the Brief to the Sheriffs to omit the new Clause.

7 Barons, are, by Writs, excused attendance, on account of the necessary defence of their Countries against the Scots. (g)

Aids are granted by the Laity and Clergy.

Several new Statutes are made, and others confirmed.

January 17. (Monday after St. Hilary.) A "Parliament," (u. a.), meets at Westminster. 1390.
A. R.
13

Writs are directed to the Archbishops and 19 Bishops and Keepers, with the Clause, 24 Abbots, the 2 Priors, to the King's Uncle, John, Duke of Lancaster, to his 2 Uncles, John, Duke of York, and Thomas, Duke of Gloucester, his Brothers, the Earls of Kent and Huntingdon, his Cousin, Earl of Arundell, 6 Earls, 43 Barons, to all the Sheriffs, the Duke of Lancaster for the Duchy, and to the Warden. (h)

William of Wykeham, Bishop of Winchester, Lord Chancellor, opens the Session, declaring the King to be of full age, &c.

Jan. 20. Thursday. All the Members of the "Grant Council" pray to be discharged from their offices. They are so discharged and challenge inquiry into their conduct. No faults being laid to their charge, they are all replaced.

The Commons petition for due observance of the Statute of Provisors against the Exactions of the See of Rome. The King answers, "That as to the Impositions, he wills that nothing be levied or paid in Charge or Damage of his Lieges or his Kingdom, and that he would require the Pope, by Letter, neither to do, nor attempt any Novelty, within the Kingdom, thenceforth, &c."

The Archbishops, for themselves and Clergy, protest against any Statutes then made, or renewed, so far as they tend to restriction of the Apostolic Power. (i)

March 2, Wednesday. The Lords and Commons grant a Subsidy.

The Duke of Aquitaine does Homage.

The King's Cousin, Edward, eldest son of the Duke of York, is created Earl of Rutland, in full Parliament.

November 12, Saturday. (Morrow of St. Martin.) A "Parliament," (u. a.), is held at Westminster. 1390.
A. R.
14

Writs issue to the Archbishops and 19 Bishops, with the Clause, 23 Abbots, the Prior of St. John of Jerusalem, to the Dukes of Lancaster, York and Gloucester, the King's Cousin, Edward, Earl of Rutland, his Brothers, Earls of Kent and Huntingdon, his Cousin, Earl of Arundell, 6 Earls, 42 Barons, to all the Sheriffs, to John, Duke of Aquitaine and Lancaster, or his Chancellor for the Duchy, to the Chief Justice, the Chief Justice of the Common Bench, and Chief Baron of Exchequer, 8 of the Council, and 2 Clerks. (k)

(g) Dugdale. Rep. App. IV., 729, 732. This Parliament does not occur in the Rolls. P. H. I., 440.

(h) Rolls, 13 Rich. 2. Dugdale. App. Rep. IV., 732. P. H. I. 442

(i) It appears that a moiety of a Tenth upon the Clergy of the Diocese of Chichester, had been imposed by the Pope, to be levied for his use. Writs were addressed, in the King's name, to the Archbishops, &c. and to the Nuncio, stating that, by the Rights and Customs of the Kingdom, such impositions on the People could not be levied without the common council and assent of the said Kingdom, and commanding to forbear levying such impositions. Richard himself seems always to have had recourse to the Common Council of the Realm to authorize any such imposition, whatever may have been his other errors. Rep. I., 311.

(k) Rolls, 14 R. 2. Dugdale. Rep. App. IV., 735. P. H. I., 445, where see the Proceedings. This Parliament, according to Cotton, 356, was not dissolved till the 6th of March. See note P. H. 419. According to the Rolls, Dec. 2 was the last day.

cellor, declares the Cause of Summons. The Lords, Spiritual and Temporal, claim "as their Liberty and Franchise, that all greater matters moved in that Parliament, or to be moved in any future Parliament, touching Peers of the Land, shall be discussed and moved by course of Parliament, and not by the Civil or Common Law of the Land used in the lower Courts of the Kingdom;" which Claim, Liberty and Franchise, the King, in full Parliament, readily allows and grants.

The Lords and Commons, then, make a Grant, with protestation, that it was done of necessity, and that it might be no prejudice to them for time to come; and farther, they pray, that, notwithstanding this grant, the Parliament may hold on its course, and be adjourned if need were; and that all things touching the said Parliament may be done and executed, as if the Grant had not been made till the end thereof, as in manner accustomed." Which request the King grants.

Five Lords, "Appellants," then exhibit Articles of High Treason against the King's Ministers; who are accordingly judged and sentenced to death, or banishment; which sentence both Houses swear to support, without Reversal.

On Friday, the 20th March, on account of the Easter Devotions, Parliament is adjourned "in statu quo nunc est, continuatum," to Monday, Morrow of the Quindene of Easter, April 22. (d)

June 2, (Tuesday.) The Commons grant a Subsidy.

June 3, (Wednesday.) After a Mass "de l' Saint Esprit," sung in the Abbey, and a Sermon by the Archbishop of Canterbury, the King renews his Coronation Oath, with great solemnity, in the Abbey. The Prelates do him Fealty, and the Lords Temporal, Homage.

June 4, (Thursday.) (The 122d. day of Parliament). All the Assembly in Parliament return the King thanks for the Justice he has done them. He thanks them for their Grants, and the Commons are ordered to get their Briefs for Wages. (e)

.. A Convocation of the Clergy of both Provinces is commanded, for a sufficient and necessary Aid, on the 10th day of February. (f)

1388. ^{A. R.}
12 September 9. (M. of Nativity B. M.) A "Parliament," (Colloquium et Tractatus,) meets at Cambridge.

Writs are issued to the Archbishop of Canterbury, the Keeper of the Spiritualities of the Archbishop of York, 18 Bishops and 1 Vicar general, with the Clause, 23 Abbots, the 2 Priors, to the Dukes of York and Gloucester, 9 Earls, 42 Barons, to all the Sheriffs and the Duke of Lancaster, the Chief Justice, Chief Justice of the Common Bench, the Chief Baron of the Exchequer, 4 of the Council and 2 Clerks, and to the Warden.

The Bishop of Durham and Carlisle, the Earl of Percy, and

(d) Rolls, 11 Rich. 2. Dugdale. In a Writ to four Individuals, this meeting is styled "a Council," or rather, they are directed to appear, "coram nobis et Concilio nostro," on the day appointed. Rep. App. IV., 729.

(e) See the Details of this Parliament, P. H. I., 410-440. It was called by some historians, "the Parliament that wrought wonders," by others the "merciless Parliament." The Rolls say, after 120 days, large grants were made.

(f) Rep. App. IV., 737.

7 Barons, are, by Writs, excused attendance, on account of the necessary defence of their Countries against the Scots. (g)

Aids are granted by the Laity and Clergy.

Several new Statutes are made, and others confirmed.

January 17. (Monday after St. Hilary.) A "Parliament," (u. a.), meets at Westminster. 1390.
A. R.
13

Writs are directed to the Archbishops and 19 Bishops and Keepers, with the Clause, 24 Abbots, the 2 Priors, to the King's Uncle, John, Duke of Lancaster, to his 2 Uncles, John, Duke of York, and Thomas, Duke of Gloucester, his Brothers, the Earls of Kent and Huntingdon, his Cousin, Earl of Arundell, 6 Earls, 43 Barons, to all the Sheriffs, the Duke of Lancaster for the Duchy, and to the Warden. (h)

William of Wykeham, Bishop of Winchester, Lord Chancellor, opens the Session, declaring the King to be of full age, &c.

Jan. 20. Thursday. All the Members of the "Grant Council" pray to be discharged from their offices. They are so discharged and challenge inquiry into their conduct. No faults being laid to their charge, they are all replaced.

The Commons petition for due observance of the Statute of Provisors against the Exactions of the See of Rome. The King answers, "That as to the Impositions, he wills that nothing be levied or paid in Charge or Damage of his Lieges or his Kingdom, and that he would require the Pope, by Letter, neither to do, nor attempt any Novelty, within the Kingdom, thenceforth, &c."

The Archbishops, for themselves and Clergy, protest against any Statutes then made, or renewed, so far as they tend to restriction of the Apostolic Power. (i)

March 2, Wednesday. The Lords and Commons grant a Subsidy.

The Duke of Aquitaine does Homage.

The King's Cousin, Edward, eldest son of the Duke of York, is created Earl of Rutland, in full Parliament.

November 12, Saturday. (Morrow of St. Martin.) 1390.
A. R.
14
A "Parliament," (u. a.), is held at Westminster.

Writs issue to the Archbishops and 19 Bishops, with the Clause, 23 Abbots, the Prior of St. John of Jerusalem, to the Dukes of Lancaster, York and Gloucester, the King's Cousin, Edward, Earl of Rutland, his Brothers, Earls of Kent and Huntingdon, his Cousin, Earl of Arundell, 6 Earls, 42 Barons, to all the Sheriffs, to John, Duke of Aquitaine and Lancaster, or his Chancellor for the Duchy, to the Chief Justice, the Chief Justice of the Common Bench, and Chief Baron of Exchequer, 8 of the Council, and 2 Clerks. (k)

(g) Dugdale. Rep. App. IV., 729, 732. This Parliament does not occur in the Rolls. P. H. I., 440.

(h) Rolls, 13 Rich. 2. Dugdale. App. Rep. IV., 732. P. H. I. 442.

(i) It appears that a moiety of a Tenth upon the Clergy of the Diocese of Chichester, had been imposed by the Pope, to be levied for his use. Writs were addressed, in the King's name, to the Archbishops, &c., and to the Nuncio, stating that, by the Rights and Customs of the Kingdom, such impositions on the People could not be levied without the common council and assent of the said Kingdom, and commanding to forbear levying such impositions. Richard himself seems always to have had recourse to the Common Council of the Realm to authorize any such imposition, whatever may have been his other errors. Rep. I., 344.

(k) Rolls, 14 R. 2. Dugdale. Rep. App. IV., 735. P. H. I., 445, where see the Proceedings. This Parliament, according to Cotton, 396, was not dissolved till the 6th of March. See note P. H. 449. According to the Rolls, Dec. 2 was the last day.

The Bishop of Winchester opens the Cause of Summons. Receivers and Triers are appointed.

Among other Acts, the Statute of "Appropriations" is passed. On Saturday, 3d December, the Lords and Commons make a grant. Petitions are then read and answered, and the Parliament is dissolved.

1391. *November 3, Friday. (M. of All Souls.)* A Parliament, (u. a.), meets at Westminster.

A. R.
15

Writs are directed to the Archbishops and 19 Bishops, with the Clause, 24 Abbots, the 2 Priors, to John, Duke of Aquitaine and Lancaster, the Dukes of York and Gloucester, 11 Earls, 40 Barons, to all the Sheriffs, the Duke of Aquitaine and Lancaster, or his Chancellor for the Duchy, the Justices, Council and Clerks, as before, and to the Warden. (l)

The Archbishop of York, (Thomas Arundel), Lord Chancellor, declares the Cause of Summons.

Dec. 2, Saturday, the last day of sitting, the Lords and Commons (as they had also done in the last Parliament), desire the King, "That he would as largely enjoy his Prerogative, as any of his Predecessors ever did; notwithstanding any Statute to the contrary; particularly, that of Edward II., made at Gloucester;" which they now repeal.

1392. *June 25. (M. of St. John B.)* A Council is held at Nottingham.

A. R.
16

The Mayor, Sheriffs and Aldermen of London, "in propriis personis," together with 24 Citizens "de validioribus et magis sufficientibus," are summoned. (m)

- October 14. (M. of Translation St. Edward, King.)*
A "Parliament," (u. a.), is summoned to York.

Writs are sent to the Prelates as before, to the 3 Dukes, 9 Earls, 39 Barons, to all the Sheriffs, Duke of Lancaster, Justices, Council and Warden, as before.

The Parliament is prorogued, sine die, 8 d. Sept. (n)

1393. *January 20, Monday. (Octaves St. Hilary.)* A "Parliament," (u. a.), meets at Winchester.

A. R.
16

Writs are directed to the Prelates, as before, to the Dukes and Earls, as before, to 40 Barons, to all the Sheriffs, Duke of Lancaster, Council and Warden, as before.

The Archbishop of York, Chancellor, opens the Session, which ends on Monday, Feb. 10. (o)

M. Philip Courtenay, who had been returned as Knight of the Shire by the Sheriff of Devon, prays to be discharged till certain accusations against him are tried, which having been granted, on the Monday following, he is restored.

..... *Convocations* are commanded to be held for the Province of Canterbury, at the Church of St. Swithin, Winchester, or elsewhere, on the Morrow of the

(l) Rolls, 15 R. 2. Dugdale. Rep. App. IV., 738. P. H. I., 449.

(m) Rep. App. IV., 741.

(n) Dugdale. Rep. App. IV., 741.

(o) Rolls, 16 R. 2. Dugdale. Rep. App. IV., 746. P. H. I., 450, where see the Proceedings.

Purification, Feb. 3; and for York, at the Church of St. Peter, on Monday before St. Peter in Cathedrâ, Feb. 17. (p)

Jan. 27. (Tuesday, 15 of St. Hilary.) A "Parliament," (u. a.), is held at Westminster. 1394. A. R. 17

Writs are issued to the Archbishops and 18 Bishops, with the Clause, to 24 Abbots, the Prior of Coventry, the 3 Dukes, 11 Earls, 40 Barons, to all the Sheriffs and the Duke of Aquitaine and Lancaster, to the Justices and Council and Warden, as before.

On the following day, Wednesday, the Archbishop of York, Lord Chancellor, opens the Parliament.

On Thursday, the third day, the Commons present their "Commune Parlour." M. John Bussy, who is allowed.

The Commons and Clergy make Grants, and the Parliament ends on Friday, the 6th day of March. (q)

..... Convocations are held, by command, on the 16 d. February and 1st day of March. (r)

Jan. 27. (Wednesday, 15 of St. Hilary.) A "Parliament," (u. a.), is held at Westminster, by Edmund, Duke of York, Custos of the Kingdom. 1395. A. R. 18

Writs are issued to the Archbishops and 17 Bishops, with the Clause, 25 Abbots, the 2 Priors, 8 Earls, 29 Barons, to all the Sheriffs, and the Duke of Aquitaine and Lancaster, the Justices and Council, and to the Warden.

The Writs specify as the Cause of Summons, the consideration of the best means to promote the prosperous government and happy Administration of Ireland.

Thursday, 28. The King's Uncle, the Duke of York, is appointed "Guardian." The Chancellor opens the Session, and directs the Knights and Commons to assemble on Friday, in the Chapter House or Refectory, and elect "celuy qu' auroit les Parols de par les Communes."

The Clergy and Commons make a grant, with the protestation, "that they are not bound, 'stricto jure' to grant the same, but purely out of their affection to their King." They then present many Petitions and are dismissed. (s)

..... Convocations, for the respective Provinces, are commanded to be held on the F. of St. Agatha, Feb. 5, and the Morrow of St. Matthias, Apostle, Feb. 25. (t)

Jan. 22. (Monday in F. of St. Vincent.) A "Parliament," (u. a.), is held at Westminster. 1397. A. R. 20

Writs are issued to the Prelates, as before, the 3 Dukes, 11 Earls, 38 Barons, to all the Sheriffs, and to John, Duke of Aquitaine, &c., as before, to the Sheriffs of the City of York, for 2

(p) Rep. App. IV., 748.

(q) Rolls, 17 R. 2. Dugdale. Rep. App. IV., 749. P. H. I., 452. It is said that after subduing the Rebels in Ireland, the King held a Parliament at Dublin. 454.

(r) Rep. App. IV., 752.

(s) Rolls, 18 R. 2. Dugdale. Rep. App. IV., 752. P. H. I., 454.

(t) Rep. App. IV., 755. No Summons is extant for 19 R. 2.

Citizens, (first time), to the Justices and others, as before, and to the Warden. (u)

The Bishop of Exeter, Lord Chancellor, explains the Cause of Summons. The next day, Tuesday, the Commons present their Speaker, M. John Bussey, whom the King allows.

Wednesday. The Chancellor, Treasurer and Clerk of Privy Seal, Bishop of Chester and others of the Council explain to the Commons the more especial cause of their being called. The Commons pray the King that such Lords Spiritual and Temporal as were absent may be sent for. The Chancellor answers, that it would occasion too long delay, but that those nearest should again be summoned.

Friday, Feb. 2. The King sends for the Lords, Spiritual and Temporal, and complains that the Commons had entered upon matters not belonging to them, touching the King's Regalia and State, and the Royal Liberty. The Speaker is commanded to declare who brought in the Bill on these subjects. The Commons submissively make their excuses, knowing well that such Things do not belong to them, and give the name of Sir Thomas Haxey. They are pardoned by the King, who also surrenders to them a Grant they had made. Sir T. Haxey is condemned to death as a Traitor, but is reprieved on the intercession of the Prelates.

..... A *Convocation* of the Clergy of both Provinces, is ordered at St. Paul's, on the Monday after the F. of the S. Scholastica, Virgo, Feb. 12, and at St. Peter's, York, on the Monday after St. Matthias, Apostle, Feb. 26.

..... A *Convocation* of the Clergy of York is ordered, on Friday after St. John ante Portam Latinam, May 11. (v)

August. 1. A great Council of the King and Peers is held in the great Hall of the Castle, Nottingham. (w)

1397. *September 17.* (*Monday after Exaltation of Cross.*)
A. R. 21 A "Parliament," (*Colloquium et Tractatus*), assembles at Westminster.

Writs issue to the Prelates, as before, to John, Duke of Aquitaine and Lancaster, and the Duke of York, 10 Earls, 37 Barons, to all the Sheriffs and the Duke of Lancaster, the Justices, Council and Warden, as before. (x)

The Bishop of Exeter, Lord Chancellor, opens the Session.

The next day, Tuesday, the Commons present M. John Bussey, as their Speaker, who is approved.

The Commons then state, that "as several Judgements and Ordinances made in Parliament in time of the King's Progenitors had been repealed and annulled, because the Estate of the Clergy was not then present in Parliament, they, therefore, pray that the Prelates and Clergy should make a Procurator with

(w) Rolls, 20, R. 2. Dugdale. Rep. App. IV, 755. P. H. I, 455.

(v) Rep. App. IV, 758.

(u) P. H. I, 460.

(x) Rolls 21, R. 2. Dugdale. Rep. App. IV, 758. P. H. I., 462.

sufficient power to consent in their name to all things and Ordinances in this Parliament," and that all the Lords Spiritual should now give their opinion and advice on this subject.

The Spiritual Lords consent to commit their full power to a Layman, (a Lay-Person), stating in the names of the Archbishops and Prelates and Clergy of both Provinces, that by right of their Churches and Temporalities, having a Right to be present in all Parliaments to treat and dispatch there for the state and honour of the King, &c., "Judicialiter justificand," they commit their full power to M. Thomas de Percy, Knight, "so that whatsoever should be done by him in the Premises should be received at all future times." The King receives a Schedule containing their said power, which is entered of Record on the Roll of Parliament. (y)

Thursday, 20 Sept. The Commons impeach Thomas Arundel, Archbishop of Canterbury, and it is awarded in Parliament, that he is a Traitor, and shall be banished. Other Peers, formerly pardoned, are impeached by the Lords, Appellants, convicted, and sentenced to death and banishment.

Saturday, Sept. 29. Parliament is adjourned to Quindene St. Hilary, at Shrewsbury. The next day, being Sunday, after Mass performed in the Abbey, the Lords Spiritual and Temporal, before the Shrine of St. Edward, take an oath to maintain, without deceit, all the Statutes, Judgments, &c., of this Parliament. The Knights hold up their hands in affirmation of the same, and Sir Thomas de Peirey, for the Clergy, makes the same oath.

Jan. 28. (Monday, 15 of St. Hilary.) The adjourned Parliament meets at Shrewsbury (Villa Salop.)

1398.
A. R.
21

(y) Rep. I. 344. "It appears that the Prelates and Clergy had claimed, as a distinct Estate, a Negative on all Judgments and Ordinances in Parliament; but the Proceedings in this Parliament generally demonstrate the prevalence of a violent party, and derogate from their authority in after times." "It was provided by Statute that any person attempting to annul the Judgments, Statutes or Ordinances of this Parliament should have execution as a Traitor. An oath is directed to be put on record that the Successors of the Prelates and Heirs of the Temporal Lords, before having Livery of their Temporalities and Lands, should make this Oath for ever. This seems to import that all Temporal Lords would for ever be Landholders, Tenants in Chief of the Crown. Probably all then sitting had such Lands, but many derived their rights to Seats from Grants by Letters Patent, without reference to Lands," 345. These proceedings demonstrate the disposition of the Laity to resist the unconstitutional attempts of the Clergy to separate themselves from the Laity, and to claim the right, as a distinct state, to have a negative on all the Proceedings of Parliament, and thus to place the separate Conventions of the Clergy as a controul on the general Council of the Realm assembled in Parliament. It had always been asserted that the Prelates had seats only in respect of their Temporal Estates in the Lands which they held as Baronies. It appears from these claims that the Constitution of the Legislative Assemblies was not then completely established. But it is said that the reason of this appointment by the Clergy was that according to the Canons, they could not be present in any Judgment of Blood. See Note P. H. I., p. 463. It appears that Sir Thomas Percy, their Proxy, was one of the Judges; whence Collier infers, that the withdrawal in cases of blood, was only a voluntary absence, as a Delegation to a Proxy must carry the same authority with the person he represents." Note 470.

Rapin says (Ed. Lond. 1738, IV., 430.) The King had changed all the Sheriffs in England, and appointed none but such as had promised to be at his devotion; as well as influenced those who had the chiefest power in the Cities and Boroughs. Hollingshead, Chron., p. 460, states, that the Lords and great men came to this Parliament with such numbers of armed men and attendants that there was not half Lodgings within the City and Suburbs of London for them. Many were obliged to lie in the Villages, 10 or 12 miles on each side the Town. The King had caused to be made, within the Palace at Westminster, a large House of Timber, covered on the top with tiles, but open at both ends that all men might see through it. The house was of so great compass that it could scarce stand within the Court of the Palace. It contained a Throne for the King and particular places for Bishops, Peers and Commons, as also for Appellants and Defendants.

Writs are issued, amongst others, to the Dukes of Aquitaine and Lancaster, York, Hereford, Albemarle, Surrey, Exeter, Norfolk, to the Marquis of Dorset, 7 Earls, and 33 Barons, who are commanded to attend "cuni familiâ et gentibus statui congruis, et non cum multitudine gentium, nec alio modo quam tempore Domini Edwardi nuper Regis Angliæ, Avi nostri, et nostro, antiquitus et communiter fieri consuevit." (z)

The Chancellor desires the Commons to advise how the expences can best be provided for the defence of the kingdom, and other matters. On the same day, Monday, the Lords and Commons determine, that the Answers of the Judges, in the 11th of the King, shall be held good and sufficient. The proceedings of the Parliament in that year are reversed, and many Pardons revoked and annulled.

Tuesday, 29. The Commons petition for a general Grace and Pardon. The Chancellor answers that the King will do nothing till he knows by their Grant, how the Commons act toward him.

At the request of the Commons, the Prelates and Clergy appoint W. le Scrope, Earl of Wiltshire, their Procurator, giving him full power to treat and do, with respect to all things in this Parliament, &c., as Thomas de Percy had done. (a)

Sir John de Bussy, for the Commons, then prays that the greatest security may be given to the Acts of the present Parliament. It is answered, that such was already done. The Lords and Commons then make a large grant, "for the King's life."

On the last day, Thursday, Jan. 31, the Commons pray that the King will commit full power to 12 Lords, and 6 Commoners named, to examine, answer and dispatch, divers Petitions, and other matters, left unfinished. To which the King assents. (b)

..... *Convocations* for the two Provinces are commanded at St. Paul's and St. Peter's, on the 1st and 10th days of October (past). (c)

1398. A. R. 22 A *Convocation* for the Province of York, is now ordered, it being doubtful whether the last mandate was obeyed, to provide a competent aid, on the 1st day of September. (d)

(z) Rolls 21, R. 2. Dugdale. Rep. App. IV., 761. P. H. I., 482.

On the 29th Sept., the King, in full Parliament, had created H. of Lancaster, Earl of Derby, Duke of Hereford, the Earl of Rutland, Duke of Albemarle, the Earl of Kent, Duke of Surrey, Earl of Huntingdon, Duke of Exeter, the Earl of Nottingham, Duke of Norfolk, Countess of Norfolk, Duchess of Norfolk, Beaufort, Earl of Somerset, Marquis of Dorset, Sir Thos. le Despencer, Earl of Gloucester, Sir Ralph de Nevill, Earl of Westmoreland, Sir Thos. de Percy, Earl of Worcester, Sir W. le Scrop, Earl of Wiltshire.

The 15 of St. Hilary in this instance does not include the day itself, but extends 15 days beyond it, and is therefore the 28th and not 27 Jan. The Parliament began on Monday 28, and from the Rolls we learn, that Wednesday was the 30th and Thursday the 31st.

(a) Rolls 21, R. 2. Rep. I. 347.

(b) P. H. I., 482-492. "The King and Committee of Parliament, thus appointed, go on with unlimited power to commit many arbitrary and unprecedented Acts (498). But by driving on too fast, in a very short space, brought their unhappy Governor, as well as themselves, to utter destruction." (497).

The proceedings of this Parliament seem to extend to March 18, when the Lords Spiritual and Temporal, and certain Knights of the Shires, in presence of the King, swear to observe the Judgments, Statutes and Ordinances, done, ordained and assented to, &c. Rolls, 373.

(c) Rep. App. IV., 761.

(d) Rep. App. IV., 763.

Jan. 27. (*Monday after Conversion of St. Paul.*) A Council is held at Oxford, 1399.
A. B. 22

On the Schisms in the Church. Three Bishops, and 26 Ecclesiastics, and others, are summoned. (e)

Feb. 24. (*Monday, third week in Lent.*) A Convocation is ordered at York. (f)

Sep. 30. (*Morrow of St. Michael.*) A "Parliament" (Colloquium et Tractatus) is summoned to Westminster. 1399.
A. B. 23

Writs are sent to the Archbishops and 19 Bishops, with the Clause, 25 Abbots, the 2 Priors, to the Dukes of Lancaster, York, Albemarle, Surrey, Exeter, and the Marquis of Dorset, 10 Earls, 34 Barons, to all the Sheriffs and the Duke of Lancaster, the Justices, Council and Warden. (g)

The King's Renunciation having been made, and his cession and deposition taken, the Parliament is dissolved.

HENRY IV.

(Sept. 30, 1399.)

Oct. 6. (*Monday, F. of Sa. Fides, Virgin.*) A Parliament is held at Westminster. 1399.
A. B. 1

Fresh Writs, returnable in Six Days, are directed to the same persons as had before been summoned; a Protest being made, that the shortening of the usual time, to save the labour and expences of the King's Liéges, should not be prejudicial, or form a Precedent. (h)

The Archbishop of Canterbury, then, recites the past Transactions, and on the part of the King, adjourns the meeting till Tuesday, the 14th, the day after the intended Coronation,

Receivers and Tryers of Petitions are then appointed.

Oct. 14. The Commons present M. John Cheyne, for their Speaker, "Parlour et Procuratour," who is accepted, but, by reason of illness, being unable to serve, is replaced by John Dorewood. "By assent of the Lords," they grant a Subsidy to the King.

The Parliament then passes an Act repealing the whole proceedings in the Parliament of Shrewsbury, 21 Rich. 2, and affirming those of 11 Rich. 2.

Proceedings are also taken against the late Lords Appellants, who are deprived of their Honours, but restored by the King.

The late King is adjudged to perpetual Imprisonment; to which Judgment, the Commons request not to be considered Parties, as such Judgements belong solely to the King and Lords,

(e) Rep. App. IV., 763.

(f) Rep. App. IV., 764.

(g) Dugdale. Rep. App. IV., 765. P. H. I., 502—where see, and in the Rolls, 1 H. 4, all the Proceedings on occasion of this Deposition. See also Rep. I., 349, &c.

(h) Rolls, 1 H. 4. Dugdale. Rep. App. IV. 768. P. H. II., 5. 60, where are all the Proceedings of this Parliament.

It is answered, "that the Commons are Petitioners and Demanders, and that the King and Lords, of all time, had had, and ought to have, of right, the Judgements in Parliament; save that in a Statute to be made, or in Grants and Subsidies, or for the common profit of the Realm, the King will have their advice and assent; and this order shall be holden and kept in all time to come." (i)

The Commons present many Petitions, which are answered.

1400. *February 9.* A great Council is held at Westminster.

A. N. 1 The Lords Spiritual and Temporal only are summoned, "pour eschuire aucune Parlement estre summoner," and to prevent the laying of any Tax on the Commons. The Peers consent to raise Forces at their own expence. (k)

1400. *Oct. 27. (Wednesday before All Saints.)* A "Parliament" (Colloquium et Tractatus cum Prælati Magnatibus et Proceribus) is summoned to York.

Writs are issued to the Archbishops, and 18 Bishops, (and Keepers of Spiritualities) with the Clause, to 25 Abbots, the Priors of Coventry and *St. John of Jerusalem*, to Henry, Prince of Wales and Duke of Cornwall, (the King's son) to the Duke of York and 10 Earls, 35 Barons, to all the Sheriffs as before, to the Chancellor of the Duchy of Lancaster, to the Chief Justice, the Chief Justice de Communi Banco, to 9 of the Council and 1 Clerk, to the Constable of Dover Castle, and Warden of the Cinque Ports, or his Lieutenant. (l)

This Parliament does not meet.

1401. *Jan. 20. (Thursday, 8ves St. Hilary.)* A "Parliament" (u. a.) meets, by Prorogation, at Westminster.

A. N. 2 Writs are addressed to the Archbishops and 19 Bishops, with the Clause, 25 Abbots, the 2 Priors, to the Prince of Wales (Duke of Cornwall and Earl of Chester), to the Duke of York, 10 Earls, 35 Barons, to all Sheriffs of Counties, the Chancellor of the Duchy of Lancaster, the Sheriffs of Bristol, London, York, and the "Villa" Newcastle (for 2 Burgesses, for the first time), to 2 Chief Justices, 9 of the Council and 1 Clerk, and to the Constable and Warden. (m)

The Knights, Citizens and Burgesses are proclaimed by their names in the King's Chancery, in Westminster Hall, before the Chancellor and Steward of the King's Household.

(i) Rep. I., 353. "From all these Proceedings, it seems that the principles on which the Assembly of the Lords and Commons in Parliament had been constituted, had not then been very clearly settled. The Commons had concurred in the Judgment of Deposition, of which that of Imprisonment was not a legal consequence. As a mere Ordinance of Policy, it ought to have been an act of the whole Parliament. However, this Disclaimer, and the Proceedings upon it, may be considered as finally settling, that the Characters of the Two Houses, though forming with the King, one assembly in Parliament, were perfectly distinct; and particularly that Grants of Aids to the Crown should proceed from the Commons. The previous grant was expressly made, "by Assent of the Lords." The Constitution of the Parliament at this time was so far considered as different from that of the Common Council of the Realm, for assessing Aids and Scutages provided by the Charter of John; in which no distinction appears to have prevailed."

Rolls, I. H. 4. 111. It appears by the Writs for Expences in Brady, App. No. 114, that the Parliament lasted from Sept. 30 to Nov. 19, and that the Members were allowed wages for 51 days, besides the time of coming and returning.

(k) P. H. II, 61.

(l) Dugdale, who places this Parliament, first. Rep. App. IV, 770. P. H. II., 62.

(m) Rolls 2, H. 4. Dugdale. Rep. App. IV, 773. P. H. II., 62.

On Friday, the following day, the Chief Justice, by the King's command, declares the Cause of Summons, and orders the Commons to attend in time every day, and now to proceed to the Election of their Common Speaker, and to present him, "Come le Manere est," on the next day, in the Chambre de Peinte, at 10 o'clock.

On Saturday, they present Mr. Arnold Savage, who makes the accustomed Protestation for himself and the Commons, and prays that the Commons may have good advice and deliberation without being required to answer on the most important matters till the end of the Session, which is accepted, and enrolled.

Jan. 25. The Commons return thanks for the declarations first made by the King and for his intentions and purposes, and pray to be excused for anything said in Parliament. They are desired to present their Petitions in writing.

On the last day of January, the Commons pray, that certain Petitions may be answered, which, being put in writing, the King promises to answer.

Feb. 26. The Commons pray that the "Besoignes," done and to be done in this Parliament, may be enacted and engrossed before the departure of the Justices, while they have them in their memory; which is agreed to. Also, that as in many Parliaments, their common Petitions had not been answered before they made their Grants, they pray, "that they may know the Answers first."

The King, after a Conference with the Lords, answers, "That there was never any such use known, but that they should first go through with all other business; which good custom and ordinance, the King intends not to alter." After which, a Subsidy is granted.

On the 10th March, the last day of the Parliament, "the Commons kneeling before the King, beseech him to pardon them, if, through ignorance, they have offended him," which the King grants. The whole Assembly then hear Mass together, and the Commons having offered their granted Subsidy, are dismissed by the Chancellor. (n)

..... A Convocation is ordered at York, before the Ascension, May 12. 1401.

January 29. (Monday before Purification.) A "Parliament" (u. a.) meets at Westminster. 1402.

Writs are addressed to the Prelates, as before, to the Prince of Wales and Duke of York, 8 Earls, 32 Barons, to all the Sheriffs, and the Duke of Lancaster, Justices and others, and Wardens, as before. (o) S

Feb. 6. (Monday, first week in Lent.) A Convocation of the two Provinces is ordered, at St. Paul's and St. Peter's. (p)

(n) The Report, I, 354, observes, "the whole Proceedings in this Parliament, bear a nearer resemblance than those in former Parliaments, to the proceedings at the present time. The general form of the Constitution of the Legislative Assemblies may then be considered as nearly settled: the Lords, Spiritual and Temporal, being clearly acknowledged as a separate body, having distinct Powers and Jurisdictions; and the Commons being also acknowledged as a Separate Body, having distinct Powers and Privileges; though all formed with the King, one Legislative Assembly."

(o) Dugdale. Rep. App. IV, 776. P. H. II, 62.

(p) Rep. App. IV, 776.

April 6. (Thursday, after Octaves Easter.) A Convocation is ordered at St. Peter's, York. (q)

1402. *Sept. 15. (Morrow of Exaltation of the Cross.)* A
A. N. 3 "Parliament," (u. a.) is summoned to Westminster.

Writs are issued to all the Prelates as before, to the Prince and Duke, to 9 Earls, 34 Barons, to all the Sheriffs (excepting of Newcastle) to the Chancellor of Lancaster, to the Justices and Council, and Warden. (r)

This Parliament is prorogued to

1402. *Sept. 30. (Saturday, Morrow of St. Michael.)*
A. N. 4

Writs, as before, include the Sheriff of Newcastle, and address the Chancellor in the County Palatine of Lancaster. (s)

The Knights, Citizens and Burgesses, are called over in the Court of Chancery, and the Parliament is adjourned to Monday, at 9 o'clock, in the Chambre de Peinte.

Oct. 2, Monday. The Chancellor declares the cause of meeting, and directs, that the Speaker, "Parlour," shall be presented next day, at 10 o'clock. Receivers and Tryers are named.

On the 3rd day, *Oct. 3*, the Commons present their Speaker, Mr. Henry de Redeford, as usual.

Oct. 4, Certain Lords, the King's Officers, are sent to the Commons, to declare in a more especial manner, the cause of Summons, that business may be more quickly dispatched.

Oct. 10. (Tuesday.) The Commons request to have four Bishops, four Earls and four Barons, to assist them in their consultations; which the King grants, with this protestation, "that the same, as against form and custom, is done out of favour and not out of duty;" which especial favour the Commons acknowledge.

The Commons "with the assent of the Bishops and Lords," make a large grant; and, on Saturday, the 25th Nov., Parliament is dissolved.

..... A Convocation of the Clergy of both Provinces, is ordered for the day of Meeting of Parliament, *Sept. 30. (t)*

1403. A Convocation of the Clergy of York is ordered
A. N. 4 before the Octaves of St. Hilary.

Jan. 20. (Octaves of St. Hilary.) A Council is held at Westminster.

Fourteen Persons are summoned.

Feb. 3. (Morrow of Purification.) A Council meets at Westminster.

Eighteen Persons of the Sea Ports are summoned, (u)

(q) Rep. App. IV, 775.

(r) Dugdale. Rep. App. IV, 778.

(s) Rolls, 4 H. 4. Dugdale. Rep. App. IV, 781. P. H. II, 60.

It is said that the extensive Grant of the Commons put the King into such good humour that he invited the whole body of Commons to dine with him the next day. P. H. II, 72.

(t) Rep. App. IV, 781.

(u) Rep. App. IV, 784.

"Dec. 3." A "Parliament," (u. a.) is summoned to 1403.
A. R.
5
Coventry.

Writs are issued to the Prelates as usual, to the Prince of Wales and Duke of York, 7 Earls, 34 Barons, to all the Sheriffs, the Chancellor of the Duchy, the Justices, Council, and Warden. (v)

This meeting is prorogued to

Jan. 14. (*Morrow of St. Hilary*) at Westminster. 1404.
A. R.
5

Writs are directed to all the Prelates as before, to the Prince, Duke of York and all others. (w)

The Bishop of Lincoln (the King's Brother,) Lord Chancellor, opens the Session. After stating the cause of Summons, he desires the Commons to attend daily at Eight o'clock, and now to choose and next day, at Nine o'clock, to present, their Speaker. On the following day, Tuesday 15th, they present Mr. Arnold Savage, who is accepted in the usual form. The Commons are again ordered to be in their House, as will the Lords, at Eight o'clock at the latest.

Among many other matters in this Parliament, the Sheriff of Rutland having returned one, who was not chosen for the Shire, he is commanded to amend the Return, and farther is committed to the Fleet, and to Fine and Ransom, at the King's pleasure.

Jan. 25, *Friday*. The Commons state, that, "according to the Custom of the Realm, the Lords, Knights, Citizens and Burghesses, coming to the Parliament by the King's command, are under his especial protection and defence, and ought not to be arrested for Debt, &c.; and that they and their servants are frequently so arrested, &c., they pray that any person so attempting anything against the custom aforesaid, shall make fine and ransom to the king, and double damages to the party injured." It is answered, "There was sufficient remedy in the case."

An assault having been made on the Servant of Sir Thomas Brooke, a Knight for the County of Somerset, the Commons pray "extraordinary remedies in such cases, and that Pardons shall not be granted." The offender is required, by Proclamation, to surrender himself, "and in failure, he shall be attainted and pay double Damages, and make Fine and Ransom to the King, and so it shall be done in future." A Statute is made accordingly. (x)

..... A *Convocation* is ordered at York before the F. of St. John Baptist. (y)

"October 6." A "Parliament," (u. a.) meets at Co- 1404.
A. R.
6
ventry.

Writs are addressed to the Archbishops and 19 Bishops, with the Clause, to 25 Abbots, the 2 Priors and the Prior of Christ Church, Canterbury, to Henry Prince of Wales and Duke of Cornwall, the Duke of York, 7 Earls, 37 Barons, to all the Sheriffs, and the Sheriff of the City of Norwich, for 2 Citizens (first

(v) Dugdale. App. Rep. IV, 785.

(w) Rolls 5 H. 4. Dugdale. App. Rep. IV, 787. P. Hist. II. 75. The Writ for the Duchy of Lancaster, is not addressed as before, "Cancellario Ducis," but "Cancellario Regis pro Comit. Palatino Lancastrie."

(x) Rolls 5 H. 4. Rep. I, 354. P. H. II, 83. This Statute is said to be the "First Act of Privilege."

(y) Rep. App. IV, 790.

time), to the Chancellor of the Duchy, the Justices, Council and Warden.

The Meeting is held in the Great Chamber of the Priory.

Henry Beaufort, Bishop of Lincoln (the King's Brother), Lord Chancellor, declares the cause of Summons, and then desires the Commons to choose a Speaker, and present him the next day to the King.

Oct. 7. The Commons present Mr. William Sturmev as Speaker. They are ordered to attend daily at 7 o'clock, and the Lords Spiritual and Temporal, at 8.

Friday, Oct. 8. *With the assent of the Lords,* the Commons make a large Grant.

Several Petitions are presented and answered, and on "Friday," 19? Dec., the Parliament is dissolved by the Lord Chancellor. (z)

1406.
A. D.
7

"February 15." A "Parliament," (u. a.) is summoned to Coventry.

Writs are issued to the Archbishops and 17 Bishops, with the Clause, 24 Abbots, the 2 Priors, the Prince, Duke of York, 7 Earls, 33 Barons, to all the Sheriffs as before, (omitting the Sheriff of York), the Chancellor of the King for the County Palatine of Lancaster, the Justices, Council and Warden.

By second Writs, the place of meeting is changed to Gloucester, and by other Writs, stating the approach of a French Armament at the mouth of the Thames, is prorogued to

March 1, (Monday, first week in Lent,) at Westminster. (a)

The Meeting takes place in the *Chambre de Peintee* of the Royal Palace.

Thomas de Longley, Clerk, Lord Chancellor, opens the cause of Summons. Receivers and Tryers of Petitions are appointed, and on the following day, Tuesday 2nd, the Commons come before the King and Lords, and present their Speaker, "Parlour et Procuratour," Mr. John Tibetot, who excuses himself on account of his youth and other causes, but is confirmed by the King. The Commons are ordered to attend daily in their accustomed place at 8, and the Lords at 9. The same day, the Commons, *with the assent of the Bishops and Lords,* grant a Subsidy.

On Tuesday, the 23d March, the Speaker again comes before the King, and makes the accustomed Protestation, requiring the confirmation of their Liberties and Privileges, and *that they may at any time send for any of their Bills from the Lords, for amendment of the same*; which is granted. He proposes also several Regulations in the Government.

April 3. The "Parlour" again repeats his Protestation, and prays the usual Privileges; which is entered on Record on the Rolls of Parliament.

(z) Rolls 6, H. 4. Dugdale. Rep. App. IV, 790. P. H. II, 83. It does not appear by the Writs, that the charge against the King, for tampering in the election of Knights, has any foundation in truth. Walsingham says, p. 371, "*Direxit Brevia Vicecomitibus ne quosquam e Comitibus eligerent quovismodo Milites, qui in Jure Regni, vel Docti fuissent vel Apprentici; sed tales omnino mitterentur ad hoc negotium, quos constaret ignorare cujusque Juris Methodum; factumque ita est.*" From whence this Parliament got the name of the "Illiterate or Lack-Learning Parliament." It is more probable, say the Editors of the P. H., that it was so named by the Clergy on account of certain designs carried on against them, as other Authors call it "the Laymen's Parliament." Stowe 330. Speed 619. These designs against the Clergy are noticed only by Walsingham.

(a) Rolls 7 H. 4. Dugdale. Rep. App. IV, 793-5-6. P. H. II, 90. The Sheriffs of the City of York are omitted in all these Writs.

Parliament is then, on account of the festival of Easter, adjourned to the Quindene of Easter, April 25, and then for 4 days, on account of the absence of several members.

Saturday, 15 May, and following days to June 4, the Commons make many Petitions "par bouche;" and, on the 7th, the "Parlour" again prays for liberty of speech and the usual Privileges.

On the last day, the Statute passes settling the Crown, after the King's decease, on his Eldest Son, and the Heirs Male of his Body.

June 19. On account of the Hay and Corn Harvest, requiring the presence of Members, Parliament is again adjourned to the Quindene of St. Michael, Oct. 13, and leave is given to them to depart "pour leur solacer, et disporter a leur plaisir;" and then, many being absent upon a call of their names, is adjourned again for four days.

Nov. 18. The Speaker requires a confirmation of his first Pro-A. R.
8test; which is granted.

Dec. 22. The Commons request a Communication with the Lords Spiritual and Temporal, and present a Petition on the Inheritance of the Crown.

The Act of Settlement is *repealed*, and another Act made, whereby the Crown is entailed upon the King and his sons, in general Tail.

Among the numerous Petitions of the Commons, which are granted, is one (No. 22) that all the Sheriffs, before the Election of Knights of the Shire, shall by open Proclamation in their several Counties, give 15 days Respite, to the time and place.

It is enacted also, "That at the next County Court after the Delivery of the Writ of Parliament, Proclamation shall be made in full County of the Day and Place of the Parliament, and that all there present, as well Suitors summoned for any cause, as others, shall attend to the Election of the Knights for Parliament, and, in the full county, they shall proceed to the Election freely and indifferently, notwithstanding any request or commandment to the contrary. And after they are chosen, whether absent or present, their names shall be written in an Indenture, under the Seals of all those that did choose them, and annexed to the Writ of Parliament; which Indenture shall be holden for the Sheriff's Return of the said Writ. And that in Writs of Parliament for the future, shall be inserted this Clause; "et Electionem tuam in pleno comitatu factam, sub Sigillo tuo, et Sigillis eorum qui Electioni illi interfuerunt, nos in Cancellaria nostra, ad diem et locum in Brevi contentum, certifies indilate."

The same day, Wednesday, Dec. 22, the Commons pray that

(b) This Statute was contrary to the Settlement made in the 5th year of the King, and was therefore repealed in the same Parliament, and is not in the printed Collections. "According to the Language of this Instrument, the Knights, Citizens, and Burgesses, were considered as 'Procuratores et Attornati' of all the Counties, Cities and Boroughs, and of the whole People of the Kingdom, 'per Universitates et Communitates' of the same Counties, Cities, and Boroughs, and by the whole People of the same, lawfully constituted, according to the style, manner, and observance of the Kingdom. It was, therefore, assumed, that, by the usage of the Kingdom, the Knights, Citizens, and Burgesses, though elected and returned only by some, were to be considered as, in effect, Procurators and Attornies for the whole, and had Power to act for the whole; and that, for this purpose, they were assembled before the King and before the Prelates and Lords, and all who according to usage, ought to attend the Parliament. This seems to have been intended as a Legislative Declaration of what was then considered the true constitution of the Legislature of the Kingdom, established by Custom and Usage, to give authority to the Solemn Act for the Settlement of the Crown." Rep. I, 355.

certain Lords, Spiritual and Temporal, and certain of the Commons may be present at the enactment and engrossing of the Rolls of Parliament; which is granted. The Parliament is then dissolved. (c)

August. (Before F. of Assumption, August 25.) A Council is held at Westminster.

Thirty-nine Abbots, Priors and others, Collectors of the Aids granted in the last Convocation, for various Archdeaconries in the Province of Canterbury, are summoned. (d)

1407. "October 20." A "Parliament," (u. a.) is held at Gloucester.

A. R.
9

Writs are issued to the Archbishops, and 17 Bishops and Keepers, with the Clause, 25 Abbots, the 2 Priors, to Henry, Prince of Wales, &c., the Duke of York, 8 Earls, 32 Barons, to the Sheriffs of Counties for 2 Knights, "gladiis cinctos," &c., 2 Citizens and 2 Burgesses, "libere et indifferenter per illos qui Proclamationi hujusmodi interfuerint, juxta formam Statuti in ultimo Parlamento nostro editi et provisi, ac nomina eorundem Militum, Civium et Burgensium sic eligendorum in quibusdam Indenturis inter te et illos qui hujusmodi Eleccioni interfuerint inde conficiendis, licet hujusmodi eligendi presentes vel absentes fuerint, inseri, eosque, ad dictos diem et locum, venire facias, et eleccionem tuam in pleno Comitatu tuo distincte et aperte factam sub Sigillo tuo et Sigillis eorum qui Eleccioni illi interfuerint nobis in Cancellaria nostra ad dictos diem et locum certifice indilate. Remittens nobis alteram partem Indenturarum predictarum presentibus consutam una cum hoc Brevi." Also to the Chancellor of the County Palatine of Lancaster, and the

(c) Rolls—7 H. 4. This Statute was intended to settle the manner of Election of Knights for those Counties which then sent Members to Parliament, and to ascertain the Persons who were to elect those Knights; and it was apparently intended, that the Election should be by all the Suitors at the County Court. Who were at different times such Suitors has been doubted; but it has been admitted that they were now declared to be the Electors of the Knights. This declaration was deemed necessary to remove any doubt. The Commons had often desired a Parliamentary Declaration by whom the Wages of Knights were to be paid; and the answers had always referred to usage. Upon some of those Petitions, it appeared, that the Peers insisted that their Tenants, being represented by them, were exempted from that charge. On the deposition of Richard, the Peers had assumed the Character of one of the Estates of the Realm, all the rest of the Laity comprehending the Tenants of those Peers, being considered as forming another and distinct Estate; and this Third Estate was considered not as represented by the Second Estate, the Temporal Lords, but by the Representatives of the Commons in Parliament, and throughout the whole reign of Hen. 4, the elected Knights, Citizens, and Burgesses, were treated as Representatives of all the Commons of the Realm, forming the distinct Third Estate; the Temporal Lords appearing only on their own behalf as the Second Estate, of which they were the only Members. Thus gradually had the Constitution of the Legislature been formed; consisting apparently, at first, only of those styled the King's Barons, in cases, in which the Royal Prerogative, assisted by its elected Council was not deemed competent; and according to the Charter of John, including all the Tenants in Chief of the Crown generally, or all the Military Tenants in Chief, at least, whenever an Aid was to be granted. The Representative System seems to have been introduced gradually, probably from necessity, and finally established by usage, rather than by positive Law. Much uncertainty prevailed as to who were the Persons represented, and who the Electors; and no definitive Law seems to have been made, declaring who should be the Electors of the Knights of the Shire, till this Statute of 7 Hen. 4, apparently intended to reduce both to certainty, and thus to provide what has been considered the foundation of the System that has since prevailed. Rep. I. 357.

This is the longest Parliament which has been yet recorded. It continued by Prorogations nearly a year, an innovation in the ancient Constitution noticed by several Historians "as a great blot in this reign." Hollingshead says, "it was a great loss and damage to the Commonalty, for the expense of their Representatives was almost equal in value to the sum that was demanded for the Subsidy." Chron. 531. P. H. II. 106.

(d) Rep. App. IV, 801.

Sheriffs of Bristol, London, Newcastle and Norwich, (omitting York), to the Justices, Council and Warden. (e)

On account of many Defaulters among the Commons, the Parliament adjourns for four days, when the Archbishop of Canterbury (Arundel) Lord Chancellor declares the Cause of Meeting, and orders the Commons to assemble in the Freitour in the Abbey.

Receivers and Tryers are appointed, and the next day, Tuesday, Oct. 25, the Commons come to the Parliament and present their Speaker, "Parlour commune," Thomas Chaucer.

Wednesday, Nov. 9, the Commons pray that certain Lords, whom they name, may be assigned to consult with them, a request, which, as on former occasions, is granted.

The King having on the 21st November, assembled in his Council Chamber of the Abbey, the Lords Spiritual and Temporal, requires them to state what aid *they thought necessary* for the public service, to which the Lords reply. The Commons are then commanded to send some of their body, to hear and report what they should have in command from the King. Twelve of their Members are sent, who report the questions and answer. The Commons affirm this Proceeding "to be in prejudice and derogation of their Liberties."

Willing that nothing should be done, then, or in future, which might any way turn against the Liberty of the Estate for which the Commons were come, nor against the Liberties of the Lords, the King wills and grants and declares, that it shall be lawful to the Lords to commune amongst themselves in that Parliament, and in every other in time to come, in absence of the King, of the State of the Realm, and of the Remedy necessary for the same; and that, in like manner, it shall be lawful for the Commons, on their part, to commune together of the State and Remedy aforesaid: provided always, that the Lords, on their part, and the Commons, on their part, shall not make any report to the King of any Grant by the Commons granted, and by the Lords assented to, nor of the communications of the said Grant, before the Lords and Commons be of one assent and accord, and then, in manner and form as has been accustomed; that is, by the mouth of the Speaker of the Commons. The King wills, moreover, by assent of the Lords, that the Communication made in that Parliament shall not be drawn into example in time to come, nor turn to the prejudice or derogation of the Liberty of the Estate for which the Commons are come, neither then, nor in time to come; but he wills that himself, and all the other Estates, shall be as free as they were before." (f)

(e) Rolls 9, H. 4. Dugdale. Rep. App IV, 801. P.H. II, 106.

(f) This Declaration seems to have placed the King and the two Houses, each in the separate and independent situation in which they now stand; not as a novelty, but as a solemn Declaration of what had been accustomed, whatever proceedings of a contrary tendency might have taken place. This Declaration, with the Statute, 15 Edward II., and the Statute in this Parliament as to Electors, and the repeated Declarations in this and former Parliaments of Henry 4., that the House of Commons as then constituted, was the Representative of the Third Estate, including all the Laity, except the Lords Temporal, and that these were a distinct Estate appearing personally in Parliament, seem to have completely settled what was to be deemed the true constitution of the Legislature, especially on the important point of Grants of Aid to the King, and the separate and distinct Affairs and Duties of the Two Houses, and their respective separate and independent Proceedings; and also the relation the King was to bear to the Two Houses respectively, except only as the Privileges of the Clergy may have interfered. These Proceedings clearly distinguished the Legislative Assembly as constituted, 9 Henry 4., from that specially provided for granting Aids by the Charter of John, and probably from every Assembly prior to that Charter, the Mem-

The Parliament is dissolved Friday, December 2.

1410. *Convocations* of the Clergy of York are, by the King's Writs, ordered to be held at St. Peter's, or elsewhere, before the Annunciation, March 25, and before the F. of the Apostles, St. Peter and Paul. (g)
 1410. Jan. 27. (15 of St. Hilary.) A "Parliament," (u. a.),
 A. R. is summoned to Bristol.
 11

Writs are sent to the Archbishops and 18 Bishops, with the Clause, 24 Abbots, the 2 Priors, to the Prince of Wales, &c., and Duke of York, 8 Earls, 32 Barons, to all the Sheriffs as before, including the Sheriffs of the City of York, to the Chancellor of the County Palatine of Lancaster, to the two Justices and Council, and to Henry, Prince of Wales, Constable of Dover Castle and Warden. (h)

By second Writs, the Parliament is ordered to meet at Westminster.

The Bishop of Winchester, the King's brother, there being no Chancellor, declares the Cause of Summons in the Chambre de Peinte, and requires the Commons to elect a Speaker. On the following day, Jan. 28, they again present "Thomas Chaucer," who is accepted, the King adding, "That since now the Lords and Commons were come to an agreement, he expects the Commons will speak no unbecoming words, or attempt anything that is not consistent with decency."

On Saturday, the 15th March, the Vigil of Palms, the meeting is adjourned to the Quindene of Easter, April 7, at the particular request of the Commons. They state, that "as every good Christian would desire to be at his own Parish Church and Home at the Festival of Easter in particular, to attend the Service of God, and to amend his own errors, &c., they pray that the King will prorogue the Parliament to the 15th of Easter."

In a Petition of the Commons, complaining of the non-observance of the Statutes of the 7th of the King, respecting the Election of the Knights of the Shire, it is stated, "That the Statute was made in Conservation of the Franchises and Privileges of the Election of the Knights of the Shires, and throughout the Realm, and by the King's Progenitors and himself from Parliament to Parliament, confirmed for time of which memory did not run. The answer is, "that the Statute mentioned, and other Statutes of the King's Progenitors before made on the same matter, shall be observed." On this Petition, the Statute is made, which adds Penalties to the Statute 7 H. 4, but takes no notice of

bers of all such Assemblies, as far as can be collected, having formed One Assembly, in which there existed distinctions of rank, but in which all appear to have had equal voice; and all seem originally to have derived their character, as Members, from the Tenure of Land holden in Chief of the Crown, and the obligations arising from that Tenure, and the Right, in consequence, to be considered as representing, in that Assembly, all who held under them mediately or immediately; the Crown having a right to charge with Tallage, by its own authority, all its Tenants who were not entitled individually to be Members of that Assembly. The change was gradual, and in its progress not always perceptible, but the fact appears to be certain, and in the Reign of Henry 4, evidently completely established. Rep. I. p. 339, 60.

See also a general view as to the existing objects of Parliamentary Assemblies, as distinguished from the former Courts of Justice, and the Meetings of the King's Council.

(g) Rep. App. IV. 803-4.

(h) Rolls, 11 Henry 4. Dugdale. Rep. App. IV. 804, 807. P. H. 11. 109.

the Allegation of the Antiquity of the Franchises and Privileges mentioned. Hereby, not only the Sheriffs who are guilty of false Returns, are to be fined £100 for each offence, but the Knights so returned, are to lose their accustomed wages. (i)

Nov. 3. (*Tuesday, Morrow of All Souls.*) A "Parliament," (u. a.) is held at Westminster. 1411.
A. R.
13

Writs are directed to the Archbishops, 18 Bishops, with the Clause, 25 Abbots, the 2 Priors, to the Prince of Wales, &c., Duke of York, 6 Earls, 32 Barons, to all the Sheriffs, including the City of York, to the Chancellor of the County Palatine of Lancaster, the 2 Justices, Council and Warden. (k)

The Commons are called over, as usual, before the "Seneschal de l'Otel du Roy." Sir Thomas Beaufort, (Half-brother of the King) Lord Chancellor, by commission, "continues" the said Parliament to the next day. He then declares the cause of Summons, and desires the Commons to elect a Speaker. On the following day, Nov. 5, they again present "Thomas Chaucer," whose excuse not being allowed, he prays that he may speak under the usual Protestation. It is granted that he may speak as others had done, "but that the King will have no novelties introduced, and will enjoy his Prerogative." After three days, he gives his answer in writing, "That he desires no other Protestation than what other Speakers have made, and that if he shall speak anything to the King's displeasure, it may be imputed to his own ignorance, and not to the Commons;" which the King grants.

The Commons, by assent of the Bishops and Lords, grant a Subsidy as in the two last Parliaments, proceeding "from their own good Will, and not of Duty." They make the first Tax upon Land.

The Parliament ends on the 19th December.

..... A Convocation of both Provinces is ordered to assemble before the Octaves of St. Martin, Nov. 18.

..... A Convocation of the Clergy of York, is appointed to meet before the F. of St. Hilary, Jan. 13. (l) 1412.
A. R.
13

February 3. (*Morrow of the Purification.*) A "Parliament," (u. a.) is summoned to Westminster. 1413.
A. R.
14

Writs issue to the Archbishops and 18 Bishops, with the Clause, 24 Abbots, the 2 Priors, to the Prince of Wales, 5 Earls, 33 Barons, to all the Sheriffs of Counties, to the Sheriffs of Bristol, London, York, Norwich and Lincoln (first time), omitting Newcastle, to the Chancellor of Lancaster, the Justices, Council and Warden. (m)

(i) It is difficult, says the Rep. I. 363, to ascertain what was meant by the words "de Temps dont Memoire ne court." They probably meant a considerable length of time; and the lapse of above 100 years, from the 23 Edward I to 11 Henry 4, would answer to the words in that sense. In many Statutes, they expressed a great length of time, without reference to what is now termed the Time of Legal Memory.

(k) Rolls 13, H. 4. Dugdale. Rep. App. IV, 812. F.H. II, 119. The dates are taken from the Rolls, though these are occasionally erroneous. In the present Parliament the day after meeting Nov. 3, is called Nov. 3, instead of Wednesday, Nov. 4.

(l) Rep. App. IV, 812.

(m) Dugdale. Rep. App. IV, 813. Walsingham says this Parliament met, but that the King did not live to see the end of it, dying on the 20th March. That the Knights, Citizens and Burgesses attended, is evident from the claim for payment of their Wages, in the following Parliament.

..... *Convocations* of the Clergy of both Provinces are ordered on some day before the Octaves of the Purification. (n)

HENRY V.

(March 21, 1413.)

1413. *May 14. (Three Weeks after Easter.)* A "Parliament" (u. a.) meets at Westminster.

Writs are issued to the Archbishops and 18 Bishops, with the Clause, to 25 Abbots, the 2 Priors, 6 Earls, 32 Barons, to the Sheriffs of Counties, and of the Cities of Bristol, London, York, Norwich, Lincoln, and the Town of Newcastle upon Tyne, to the Chancellor of the County Palatine of Lancaster, to the two Justices, 10 of the Council, and the Warden. (o)

The Bishop of Winchester, (the King's Uncle) Lord Chancellor, opens the Session in the *Chambre de Peinte*, and desires the Commons to go to their accustomed place in the Abbey, at seven o'clock next morning, and choose their Speaker. On the next day they present "William Stourton," who begs to be excused for his small estate, insufficient knowledge, and his infirmities; and being afterwards disabled by sickness, he is replaced, on the third of June, by "John Dorewood," who receives the King's approbation.

May 25. The Commons petition, "that Costs may be allowed to the Knights, Citizens, and Burgesses, summoned to Parliament in the 14th Henry IV., though nothing was done in that Session." The King replies, "That if, upon view of the Records, any the like Precedents can be found, allowance of their Fees shall be made."

The Commons pray that the Statutes for Elections of Knights of Counties may be kept; adding to them, that the Knights elected shall be Resident, at the time of the Election, in the Counties for which they shall be elected; that they shall be elected by the Knights, Esquires, and Commons of the Counties, where they shall be elected, and not otherwise; that the Election shall be made in presence of the Sheriff, and not by the vote, assent, or commission (*Mandement*), of those absent; and that the Election for Cities and Boroughs shall be of Citizens and Burgesses Resident and Enfranchised in the same Cities and Boroughs, and no others. The King agrees that the Knights of Counties shall not be elected, unless resident within the County on the day of the date of the Writ; and that the Knights,

(n) Rep. App. IV, 815

(o) Rolls, I H. 5. Dugdale. Rep. App. IV., 816. P. H. II. 137.

In the course of the Reign of Hen. 4. much had been done to ascertain the true Constitution of the Legislative Assembly of the Realm, and to assign to its component parts their respective Characters and Duties, and their mutual relations; so that, at the close of his Reign, it may be said to have approached nearly to what it now is. The Reign of his Son, chiefly employed in Foreign conquest, does not afford much information. Rep. I. 364.

The Rolls call this day May 15, though Easter day being April 23, it must have been 14.

Esquires, and others, who shall be Electors, shall be also Resident in the same manner; and that the Election of Citizens and Burgesses shall be as prayed.

On this Petition and Answer is founded a Statute. (1 Henry V. ch. 1.) (*p*)

..... A Convocation for the Province of York is ordered at St. Peter's, or elsewhere, before the F. of St. Peter ad Vincula, Aug. 1. (*q*)

"Jan. 29." A "Parliament," (u. a.) is summoned to Leicester. 1414.
A. R. 1

Writs are addressed to the Archbishops and 19 Bishops, with the Clause, 25 Abbots, the 2 Priors, to the King's Brother, Duke of Clarence and Earl of Albemarle, the Duke of York, 9 Earls, 29 Barons, to all the Sheriffs of Counties and Cities, as before, to the Chancellor of the County Palatine of Lancaster, the 2 Justices, Council and Warden. (*r*)

The Parliament is prorogued, by other Writs, to Monday,

"April 30," at Leicester. A. R. 2

The Assembly is held in the Hall near the Church and the Mansion of the Freres Menours. The Commons are assigned a House called the Fermerie, belonging to the said Freres. All Petitions are to be delivered before the Monday following, May 7. Tuesday, May 1, the Commons present their "Parlour et Procuratour," "Mr. Wautier Hungerford," and grant a Subsidy.

A Petition of the Gentlemen and others, who hold their Lands by Knight's Service, within the Gyldable, in the County of Kent, states that the Wages of the Knights for that County, were not leviable of others within the County, according to the custom there, but only of those who held their Lands by Knight's Service, as well within, as without Franchises; and lately, the Sheriffs levied the Wages only of those who held by such Service within the Gyldable, and not within the Franchises, contrary to ancient custom and usage; they pray that the King will ordain that the Wages shall be levied generally of all those who hold by Knight's Service, as well within, as without Franchises, except the Knight's Fees in the hands of the Archbishop of Canterbury, and the other Lords, Spiritual and Temporal, who come to the Parliaments by Authority of the King's Writs. It is answered, "Let the Statute thereof be put in due execution. (*s*)

(*p*) Rep. I. 364. The Rolls also give a Petition for levying the expences of Knights, Citizens and Burgesses.

(*q*) Rep. App. IV, 818.

(*r*) Dugdale. Rep. App. IV, 819-821. P. H. II, 134. Where see at length the Proceedings and various Speeches for and against a War with France. The Rolls, 2 H. 5, contain only the prorogued Parliament, as usual.

(*s*) Rolls 2, H. 5. Dugdale. The only Statute which appears, is that of 12 R. 2, c. 12, which, as well as the Petitions, shew, that much of the Law depended on usage. The County of Kent seems to have been the only one in which the wages of Knights were, by usage, paid only by those who held Knights Fees, and not by other Freeholders. In all the Counties, the Lords, Spiritual and Temporal, claimed exemption for their Lands; which claim was admitted by the Statute, except such Lands as were purchased, and then only, if such had not before paid. The exemption of the Lords Spiritual and Temporal, and of Cities and Boroughs which sent Members, and the usage in the county of Kent, all originated probably in the supposition that the Lords represented their own Tenants, and that in the first constitution of elected Representatives for Shires, these appeared instead of the Tenants in Chief of the Crown by Knights' Service, who were to be generally summoned, according to the Charter of

^{A. N.}
² November 19. (*Monday after Octaves of St. Martin.*)

A "Parliament" (u. a.) is held at Westminster.

Writs are directed to all the Prelates, as before, to the Duke of Clarence, &c., the Duke of Bedford and Earl of Kendall, the Duke of Gloucester, Earl of Pembroke, 12 Earls, 28 Barons, to all the Sheriffs and Chancellor of Lancaster, Justices, Council, and Warden. The Writ to the Sheriffs of Bristol directs the Citizens elected as Knights and Burgesses, to be elected as the Knights of the Shires.

The meeting takes place in the Painted Chamber of the Palace.

The Bishop of Winchester, (King's Uncle) Lord Chancellor, opens the Session.

The Commons are assigned a Mansion, called Le Freytour, in the Abbey of Westminster, and having been desired to elect a Speaker, on the next day, Tuesday, present "Thomas Chaucer, Esquier," as "Commune Parlour." *By assent of the Bishops and Lords, they then vote a Supply. (t)*

..... A Convocation of the Clergy of York is ordered before the Morrow of St. Hilary, at St. Peter's, or elsewhere. (u)

^{1415.}
^{A. N.}
³ October 21. (*Monday after St. Luke, Evangelist.*)

A "Parliament" (u. a.) is summoned to Westminster.

Writs from John, Duke of Bedford, Custos, are issued to the Prelates as before, to 2 Earls, 17 Barons, to all the Sheriffs and Chancellor, the Justices, Council and Warden, as before.

The Parliament is prorogued to

November 4. (*Monday after All Saints.*)

John, Duke of Bedford, (Brother to the King,) presides.

The Bishop of Winchester, (Uncle,) Lord Chancellor, declares the Cause of Summons. On Wednesday, the third day, the Commons present Mr. Richard Redman as "Parlour," and make a Grant. (v)

^{1416.}
^{A. N.}
³ A Convocation of the Clergy of York is ordered at St. Peter's, or elsewhere, before the Octaves of St. Hilary.

March 16. A "Parliament" (u. a.) is held at Westminster.

Writs are issued to the Prelates as before, to the King's Brothers, the Dukes of Clarence, Bedford, and Gloucester,

John. The usage must have commenced subsequently to that Charter, and on no other principle, than that the Electors were to pay the Elected. Before, and in the 2d H. 5, it was established that the Knights represented all the People of the Shires, and the ground of exemption for the Tenants of the Lords was at an end. They no longer represented their own Tenants. The exemption had become a mere Privilege founded on usage. They had become a separate and distinct branch of the Legislature, having the character they now maintain. Rep. I. 365, &c.

There seems to have been no positive Law extant, when the questions were first raised, who were to be the Electors, and who were chargeable with wages, and that the Legislature had no guide except usage, which was therefore the "Author of that Constitution of the Legislative Assembly, acknowledged to be the established Law of the Land."

In this Parliament a Law passes against Wickliffe's Followers, "who read the Scriptures in English."

(t) Rolls, 2 H. 5. Dugdale. Rep. App. IV. 823. P. H. II. 143.

(u) Rep. App. IV. 826.

(v) Rolls, 3 H. 5. Dugdale. Rep. App. IV. 827-830. P. H. II. 146.

6 Earls, 20 Barons, to all the Sheriffs and Chancellor, Justices, Council, and Warden. (*w*)

The Assembly takes place in the Painted Chamber, ("Chambre de Peinte,") when the Bishop of Winchester, Lord Chancellor, opens the Cause of Summons.

On Wednesday, the Commons retiring to their House, the Freytour in the Abbey of Westminster, elect Sir Walter Beauchamp, Speaker; who being allowed, *with the Assent of the Bishops and Lords*, they make a Grant.

On Wednesday, 8th day of April, fourth week of the Parliament, it is adjourned to Monday, in three weeks of Easter, May 10, when they again meet, and the Cause of the Adjournment is declared.

The Commons state, among other Petitions, that the Wages of Knights ought to be levied as well within Franchises as without, and pray that the Sheriffs be authorized to levy those Wages accordingly, excepting the Demesne Lands in the hands of those Lords, Spiritual and Temporal, as well within Franchises as without, who come to the Parliament by authority of the King's Writs; considering that the said Knights in every County are elected, and come, as well for the said Franchises, as for the rest of the said Counties throughout all the Kingdom. It is answered, "Let the Statute, 12 Richard II., be kept in all points." (*z*)

October 19. A "Parliament" (u. a.) meets at Westminster. 1416.
A. R. 4

Writs are directed to the Archbishops and Bishops as before, to 23 Abbots, the 2 Priors, the 3 Dukes, 10 Earls, 24 Barons, to all the Sheriffs, and others, as before.

The Bishop of Winchester, Lord Chancellor, opens the Session, and, on Wednesday, the third day, the Commons present their Speaker, Roger Flour, Esq., who is accepted. *With the Assent of the Lords*, they make a large Grant, and the Clergy do the same. (*y*)

November 16. A "Parliament" (u. a.) meets at Westminster. 1417.
A. R. 5

Writs from John, Duke of Bedford, Custos Angliæ, are addressed to the Archbishops and 19 Bishops, with the Clause, 24 Abbots, the Prior of Coventry, (the Prior of St. John being now, and for some time omitted,) the King's Uncle, Thomas, Duke of Exeter, 4 Earls, 14 Barons, all the Sheriffs of Counties and Cities, the Chancellor of Lancaster, the Justices and Council, and Warden. (*z*)

Being assembled in the Painted Chamber, Thomas Langley, Bishop of Durham, Lord Chancellor, declares the Cause of Meeting.

(*w*) Rolls, 3 H. 5. Dugdale. Rep. App. IV. 632. P. H. II. 148.

(*z*) But this Statute makes ancient usage the only guide. This constant adherence to usage offers strong ground for presuming, that the Origin of the Representation of the Counties, was the impossibility of assembling all the Tenants in Chief of the Crown, according to the Charter of John; that before that Charter, and afterwards, until the Representation of the Shires was established, those Tenants, generally, or those by Military Service, were deemed entitled to be summoned, perhaps for all purposes, but certainly for extraordinary Grants to the Crown, and that the substitution prevailed in consequence of usage founded on Convenience, not on any positive Law. Rep. I. 367.

(*y*) Rolls, 4 H. 5. Dugdale. Rep. App. IV. 636. P. H. II. 152.

(*a*) Rolls, 5 H. 5. Dugdale; who calls the month September. Rep. App. IV. 638. P. H. II. 155.

On the third day, the Commons, under the usual command, elect and present their Speaker, Roger Flour, Esq., who, with the usual Protestation, is allowed. *With the Assent of the Bishops and Lords*, the Commons make a Grant.

Proceedings are taken against Sir John Oldcastle, as a Heretic, and an adherent of Wickliffe.

Parliament is dissolved on the 17th of December.

1419. A Convocation for the Province of York is
A. R. 5 ordered at St. Peter's, or elsewhere, in the Octaves of
St. Hilary. (a)

1419. A Convocation of the Province of Canterbury
A. R. 7 is ordered at St. Paul's, London, or elsewhere, on the
30th day of October,

For a competent Aid. (b)

October 16. A "Parliament" (u. a.) meets at Westminster.

Writs are issued by the Custos, to the Prelates as before, 3 Earls, 13 Barons, to all the Sheriffs, Chancellor of Lancaster, the Justices and Council, and Warden. (c)

The Bishop of Durham, Lord Chancellor, declares the Cause of Summons. Receivers and Tryers of Petitions are appointed, as usual, for England, Ireland, Wales, and Scotland, with Gascony, and other foreign Dominions. The Commons present, for a third time, Roger Flour, Esq., their Speaker, and, on Nov. 13, *with Assent of the Bishops and Lords*, make a Grant to the King.

1420. A Convocation for the Province of York is
A. R. 7 ordered for the Octaves of the Epiphany, Jan. 13. (d)
December 2. (Monday after St. Andrew, Apostle.)
A. R. 8 A "Parliament" (u. a.) meets at Westminster.

Writs from the Duke of Gloucester, Custos Angliæ, are issued to the Prelates as before, to 3 Earls, 13 Barons, to all the Sheriffs and others as before. (e)

The Bishop of Durham, Lord Chancellor, opens the Parliament. On Wednesday, third day, the Commons present their Speaker, Roger Hunt, Esq.

A Statute is made, enacting, that whereas the Government of France is devolved on the King, which will require his frequent absence from England; therefore if a Parliament shall be summoned by Writs of the King's Lieutenant, and the King arrive soon after such Issue, yet that Parliament shall not be dissolved, nor new Summons made, but that it shall meet by virtue of the former.

(a) Rep. App. IV. 841.

(b) Rep. App. IV. 841.

(c) Rolls, 7 H. 5. Dugdale. Rep. App. IV. 842. P. H. II. 160.

(d) Rep. App. IV. 844.

(e) Rolls, 8 H. 5. Dugdale. Rep. App. IV. 845. P. H. II. 161. Where it is noticed, that the Abridgment of the Records gives a list of Peers summoned to a Parliament to be held at Westminster on the 2d day of March, 1420, a. r. 7, but takes no further account of it.

The Writs in the present Parliament to the Chancellor of Lancaster are in the Record at full length, and correspond with those to the Sheriffs of Counties. Rep. App. IV. 848.

The Commons pray, that whereas they are informed, that their Petitions cannot be half engrossed before they are sent across the Sea to the King for his Assent, all such Petitions shall be answered and terminated within the Kingdom in the present Parliament, and if any remain, they shall be null and void, and so in all Parliaments. 1421.
A. N.
9

May 2. A "Parliament" (u. a.) is held at Westminster.

Writs are issued to all the Prelates, as before, to the Dukes of Bedford and Gloucester, 6 Earls, 20 Barons, to all Sheriffs, the Chancellor of Lancaster, and all others, as before.

The Bishop of Durham, Lord Chancellor, declares the Cause of Meeting; and on the fifth day, Tuesday, the Commons present Thomas Chaucer, Esq., as their "Parlour." (f)

..... A Convocation of the Clergy of the Province of York is ordered, for an Aid, at St. Peter's, or elsewhere, on the Morrow of St. Matthew, Apostle, Sept. 22. (g)

"December 1." A "Parliament," (u. a.), meets at Westminster.

Writs from John, Duke of Bedford, Custos Angliæ, summon the Prelates as before, 3 Earls, 12 Barons, all the Sheriffs and others, as usual.

The Bishop of Durham, Lord Chancellor, opens the meeting. On Wednesday, the third day, the Commons present their Speaker, Richard Banyard, Esq., to the Regent, who being allowed, on the same day, *with the consent of the other House*, they make a Grant to the King. (h)

HENRY VI.

(Sept. 1, 1422.)

Nov. 9. (Monday before St. Martin.) A "Parliament," (Colloquium et Tractatus cum Prælati, Magistratibus et Proceribus Regni), is held at Westminster. 1422.
A. N.
1

Writs are issued "per ipsum Regem et Consilium" to the 2 Archbishops and 19 Bishops, with the Clause, to 24 Abbots and the Prior of Coventry, to the King's Uncle, Humphrey, Duke of Gloucester, to the Duke of Exeter, to 5 Earls, to 16 Barons, including two "Chivalers" and 1 Magister, to all the Sheriffs of Counties, Cities and the Town of Newcastle, (the Chancellor of the County Palatine of Lancaster being omitted), to the Chief Justice and 10 Judges and others, and to the Constable of Dover Castle, Warden of the Cinque Ports. (i)

(f) Rolls, 9 H. 5. Dugdale. Rep. App. IV. 848. P. H. II. 162, where see the Proceedings, relating chiefly to Subsidies, the Peace with France, and other matters.

(g) Rep. App. IV. 851.

(h) Rolls, 9 H. 5. Dugdale. Rep. App. IV. 851. P. H. II. 165.

(i) Rolls, 1 H. 6. Dugdale. Rep. App. IV. 855. P. H. II. 170, where see the Commission and Proceedings. See also Rep. I. 368.

A Commission, in the King's name, empowers Humphrey, Duke of Gloucester, the King's Uncle, to open, continue and end the Parliament.

The Archbishop of Canterbury declares the Cause of Summons, and, as usual, desires the Commons to choose a Speaker, and present him next day.

Receivers and Tryers of Petitions are appointed for England, Ireland, Wales, Scotland, the Isles and foreign parts. On Thursday, the 4th day, the Commons present to the Duke, their Speaker, Roger Flouer, Esq., elected for the 4th time.

Nov. 16. The Bishop of Durham is appointed Lord Chancellor.

Many other appointments are made. The Government is established during the King's minority, and, on the 18th Dec., the Parliament is *dissolved*.

1423. "October 20." A "Parliament," (u. a.), meets at
A. R. 2 Westminster, in the Chambre de Peinte.

Writs from the King, are addressed to all the Prelates as before, to the Dukes of Gloucester and Exeter, to 5 Earls, 15 Barons, to all the Sheriffs, (omitting the Duchy of Lancaster), to the Chief Justice and 10 Judges and others, and Warden. (k)

The Duke of Gloucester is again appointed Lord President.

The Bishop of Durham, Lord Chancellor, opens the Session, and after the customary forms, the Commons, on Friday, Oct. 21, present their Speaker, John Russel, Esq., who is accepted.

1424. On the 17th Dec., the Parliament is adjourned to Jan. 15., and continues sitting till Feb. 28, when a Subsidy is granted.

- A. R. 3 Convocations of the Clergy of both Provinces are ordered to be holden before the Quindene of St Michael, Oct. 13. (l)

1425. "April 30." A "Parliament," (u. a.), meets at
A. R. 3 Westminster, in the "Camera depicta."

Writs are sent to all the Prelates, as before, to Humphrey, Duke of Gloucester, to the Duke of Exeter, 5 Earls, 19 Barons, (including 17 "Chivalers," one "Miles" and one "Magister,") to all the Sheriffs, and (again) to the Chancellor of the County Palatine of Lancaster, to the Chief Justice, 7 Judges and Members of Council, 2 Servientes Regis, and the Warden. (m)

The Queen occupies the Throne, holding in her lap the Infant King.

The Bishop of Winchester, Lord Chancellor, opens the Session, and, in the usual course, on Wednesday, May 2, the Commons present Thomas Wauton, Knight, for their Speaker ("Prælocutor.")

In a case of Precedency of Peerage, the Duke of Gloucester, with the Lords Spiritual and Temporal, sit as Judges, and "with the Commons," are all sworn to give upright Judgment, without favour or affection.

(k) Rolls, 2 H. 6. Dugdale. Rep. App. IV. 857. P. H. II. 176.

(l) Rep. App. IV. 859.

(m) Rolls, 3 H. 6. Dugdale. Rep. App. IV. 860. P. H. II. 184-187, &c. Hall, Hollingshead, and Fabian, give an account of the Procession of the Infant King, through the City, to the Parliament at Westminster.

On Friday, 20th May, Parliament adjourns till the following Thursday.

Many Acts are passed, and on the last day, 14 July, a Grant is made.

"February 18," Monday. A "Parliament," (u. a.), 1426.
is held at Leicester. A. R. 4

Writs are addressed to the Prelates as before, to the King's Uncles, the Dukes of Bedford and Gloucester, and to the Dukes of Exeter and Norfolk, 2 Earls, 23 Barons, of whom are 22 "Chivalers" and 1 "Magister," to all the Sheriffs, Chief Justice and 9 Judges, &c., and Warden, as before.

The Bishop of Winchester, Lord Chancellor, opens the Meeting, in the great Hall of the Castle.

John, Duke of Bedford, is appointed, by the King's Letters Patent, Commissioner to prorogue and *dissolve* the Parliament at his pleasure.

Feb. 28. "Richard Vernon, Knight," is chosen Speaker of the Commons.

March 8. John Kempe, Bishop of London, (afterwards Archbishop of York), is appointed Lord Chancellor.

It is enacted, "That the King's Council shall have power to end all such Bills as are not finished by Parliament."

March 20. The Chancellor adjourns the Parliament, by a Commission from the King, to Monday after the F. of St. George, April 29.

June 1, *the last day* of the Parliament. By common assent, a Subsidy is granted. (n)

October 13. (15 of St. Michael.) A "Parliament," 1427.
(u. a.), meets at Westminster. A. R. 6

Writs are addressed to all the Prelates as before, *again including the Prior of St. John of Jerusalem*, to the Dukes of Gloucester and Norfolk, 5 Earls, 21 Barons "Chivalers," to all the Sheriffs, to the Sheriff of Bristol, for 2 Burgesses only, to the Chancellor of Lancaster, to the Chief Justice, Judges and others, and Warden. (o)

The King is present in the "Camera depicta," and the Archbishop of York, Lord Chancellor, declares the Cause of Meeting. On Tuesday, 14, the Commons come into the Parliament Chamber, and beg a day's delay. On the 15th, they present John Tyrell, as "Prælocutor."

(n) Rolls, 4 H. 6. Dugdale. Rep. App. IV. 863. P. H. II. 191. The quarrel between Humphrey, Lord Protector, and Henry Beaufort, Bishop of Winchester, great Uncle to the King, is referred to this Parliament. It has been called "the Parliament of Batts," from the Clubs, which the Adherents of each Party carried on their Shoulders. The Editors of the Parl. Hist. II. 199, speak of "this Session" as continued to 30th January following, 1427, when the Archbishops of Canterbury and York, with certain Bishops and Abbots, "went to the House of Commons, then sitting according to custom in the Refectory of the Abbey of Westminster." But the Parliament met in Leicester, and sat there also on the adjournment. See pp. 191-198.

The Rep. I. 368, gives the Petition of the Commons in respect of the City of Bristol, which had been made a County, 45 Edw. 3, that, up to 4 Hen. 6, two men had answered, as well as Knights for the said County, as Burgesses for the said Town and Borough; that in the present Parliament, two had been summoned and sent as Burgesses only. It is prayed that the persons returned might appear for the County as Knights, and for the Town and Borough as Burgesses, &c. "The King wills that no prejudice should arise against the Charter." In the following Parliament, nevertheless, the same deviation occurs from the accustomed form.

(o) Rolls, 6 H. 6. Dugdale. App. Rep. IV. 866. In the Parl. Hist. II. 199 to 205, there is much confusion of dates. The Editors call this Parliament A. R. 6, 1428, but October, A. R. 6, is in 1427.

1428. *Monday, 8th Dec.* Parliament is prorogued to *Jan. 27, 15 of St. Hilary.* On *Thursday, 25 March,* the last day, a Subsidy is granted.

Among the Commons' Petitions is one on the Election of Knights. It recites the 7 and 11 H. 4, for Penalties on Sheriffs, and prays that Sheriffs and Knights unduly returned, may have their answer and traverse against Inquests, &c., and not be endangered till duly convicted, &c.

1429. *October 13. (15 St. Michael.)* A "Parliament," (u. a.)
A. R. 8 is summoned to Westminster.

Writs are directed to all the Prelates, including the Prior of *St. John*, as before, to the Dukes of Gloucester and Norfolk, 7 Earls, 26 Barons (Chivalers), to all the Sheriffs, to the Sheriffs of Bristol for two, as Knights and Burgesses, to the Chancellor of Lancaster, to the Chief Justice and 9 Judges, &c., and Warden.

By Second Writs, the time of meeting is "abbreviated" to

1429. *Sept. 22, (Thursday, Morrow of St. Matthew)* in the
A. R. 8 Palace at Westminster. (p)

The King presides in the "Camera depicta." The Archbishop of York, Lord Chancellor, opens the Parliament. On Friday (23) the Commons announce their election of William Alyngton, Esq., as "Prelocutor," and beg a delay till *Monday 26*, when they present him, in the usual form, to the King.

On the 12th and 20th Dec., they make Grants. On this latter day, the Parliament is prorogued to Monday after St. Hilary next, *Jan. 16.*

1430.
A. R. 8

On *Feb. 23*, the last day, a Subsidy is granted.

The Clergy petition, "that the Bishops and inferior Clergy coming to, staying at, and returning from, 'Convocations,' shall have the same privilege in regard of the protection of their Servants, as the Nobles and Commons."

The Commons petition, "That whereas Knights of the Shire, had of late been chosen by outrageous and excessive numbers of People and of small Substance, for the future, the said Knights shall be elected in every County by People resident and dwelling in the said Counties, whereof every one shall have in free Tenements, to the value of 40s. by the year, at the least, above all Charges; and that they which shall be so chosen shall be dwelling and resident within the said Counties." A Statute is made thereupon; and in the Parliament, A. R. 10, it is declared "That the said 40s. per annum must be Freehold in the same County." (q)

The Commons petition, also, that the Burgesses may have

(p) Rolls, 8 H. 6. Dugdale. Rep. App. IV, 869-872. P. H. II, 205.

(q) For the Act passed in consequence of this Petition of the Clergy, see Stat. II, 236, c. 1. The difference in the value of money then and now, and the proportion which the 40s. of 1430 should bear to the same sum in late and present years, may be ascertained by the price of Provisions in the 2 periods. In the reign of Henry 3, A. D. 1166, according to Fabian's Chronicle, Wheat was so dear as to sell for 16s. the Quarter, and in 1422, it sold for 8s., so that 12s. may be called the average. In 1423, wheat sold for 8s., in 1426, at 4s., 1427, at 5s. 4d., 1444, at 4s. 4d. In some intermediate years of very great scarcity, it had indeed risen to £1: 6s. 8d. Of the 4 years above named, the average should be 5s. 3d. See the P. H. II, 169-372. As the Qualification of that day was placed by the Commons themselves at the yearly freehold value of about Seven Quarters of Corn, the Constituencies of Counties may, by this standard, calculate what they have gained or lost by the practice which has been established since the year 1430.

their Writs to the Sheriff of the Shire to levy their Wages, 2s. per day, as was accustomed. It is answered, "the King will be advised."

Also, "That all Cities, Boroughs, Towns, and Hamlets, and the Residents therein, shall thenceforth contribute for ever to the Expenses of the Knights elected, or to be elected, to the Parliaments, excepting the Lords Spiritual and Temporal coming to Parliament, and Churchmen, and those Cities and Boroughs, which find Citizens and Burgesses at the Parliament." It is answered, "Le Roi S'avisera."

A Complaint of Breach of Privilege is made; a Servant of one of the Burgesses having been committed to the Fleet on an execution of debt. He is ordered to be discharged, and to be apprehended at the end of the Parliament. (r)

January 12. (*Friday before St. Hilary.*) A "Parliament," (u. a.) assembles in the Camera depicta, Westminster. 1431.
A. N.
9

Writs are issued by Humphrey, Duke of Gloucester, Guardian, to the Prelates, as before; to Humphrey, Duke of Gloucester, 5 Earls, 21 Barons (Chivalers), to the Sheriffs of Counties for Knights, to be elected "per homines in eodem Comitatu commorantes et residentes quorum quilibet habeat liberum tenementum ad valorem quadraginta solidorum per annum ad minus, et quod illi qui sic eligendi fuerint, sint similiter in eisdem Comitatibus commorantes et residentes, quodque illi qui habuerint majorem numerum ipsorum qui quadraginta solidos per annum et ultra expendere possunt, ut prædictum est, per Vicecomites cujuslibet Comitatus per indenturas inter ipsos Vicecomites et præfatos electores inde conficiendas, sigillatas, Milites pro Parlamento retormentur, et quod quilibet Vicecomitum Angliæ habeat auctoritatem Parliamenti prædicti examinandi super sacra Dei Evangelia quemlibet hujusmodi Electorem, quantum per annum, expendere possit. Et si aliquis Vicecomes Milites de veniendo ad Parliamentum in contrarium Ordinacionis prædictæ retornerit, habeant Justiciarii ad Assisas, in Sessionibus suis Assisarum, potestatem, auctoritate supradicta, de et super hoc, &c. &c., tunc idem Vicecomes penam Centum Librarum incurrat, ac imprisonetur per unum annum, absque manucapione, &c.," also for Citizens and Burgesses, to all other Sheriffs, the Chancellor of the County Palatine of Lancaster, the Chief Justice, 10 Judges and others, and Warden. (s)

(r) The Law on this subject apparently still remained in an unsettled state and depended on mere usage, founded on no principle, but simply on usage, charging only those who had been accustomed to be charged. This left the question of usage itself, open to dispute, and in the following year, 9th H. 6, an agreement was made between the Commons and the Inhabitants of Ely, and the Commons and Inhabitants of the rest of the County of Cambridge, by which, to put an end to long disputes, in consideration of £200 paid by those of the Isle of Ely, they were to be exempt for ever from payment of wages to Knights for the County, as they had claimed to be by custom; and Lands were to be purchased with the money and charged with a third part of the expenses of the Knights of the Shire for ever, and the Commons and Inhabitants within the Isle were to be discharged. This was again confirmed by the Act, 27 H. 6. In Cities and Boroughs great irregularity probably prevailed, for want of settled rules for the conduct both of the Sheriffs of Counties in issuing their precepts, and the returning officers in returning writs in Cities and Boroughs, and therefore it was enacted, in the 23d H. 6, that the Sheriffs should issue precepts to the proper Officers of Cities and Boroughs, containing a direction, that in Cities, the Election should be by the Citizens of the City, and in Boroughs by the Burgesses of the Borough. But who should be deemed Citizens and Burgesses seems still to have depended on usage, where not regulated by Charter of the Crown." Rep. 1. 369.

(s) Rolls, 9 H. 6. Dugdale Rep. App. IV. 875. P. H. II. 212.

The Archbishop of York, being infirm, Magister W. Lynwode, Doctor of Laws, declares for him, the Cause of Summons.

Saturday, Jan. 13. The Commons beg a delay till Monday 15, when they present John Tyrrell, their Speaker, in the usual form.

March 20. The last day, a Grant is made.

1432. *May 12. (Monday.)* A "Parliament," (u. a.) is held
A. R. at Westminster, by the King, in the "Camera depicta."
10

Writs are issued to the Prelates, as before, the Dukes of Gloucester and Norfolk, 6 Earls, 24 Barons, and to all others, as before. (1)

The Bishop of Bath and Wells, Lord Chancellor, declares the Cause of Meeting.

Wednesday, 14. The Commons present John Russell, as Prelocutor.

The Parliament sits till July 17, when a Subsidy is granted.

A Petition (No. 5) relating to the Statute of Elections, (A. R. 8.) prays an amendment of the same, so that the Tenements may be frank Tenements of 40s. in the same County.

1433. *"July 8."* A "Parliament," (u. a.), is held at West-
A. R. minster, before the King, in the Camera depicta.
11

Writs are addressed to the Prelates as before, to the Dukes of Bedford, Gloucester and York, 6 Earls, 26 Barons, (including 23 Chivalers and one "Miles,") and to all others as before.

The Bishop of Bath and Wells, Lord Chancellor, declares the Cause of Summons.

July 11. The Commons present "Roger Hunt" as Prelocutor.

1433. *Aug. 13.* The Parliament is "prorogued" on account of the
A. R.
12

"In a grant to the King of 20s. for every Knight's Fee, there is an exception for the County of Kent, in which, the Wages of the Knights were charged by custom on Lands holden by Knights' service only, in favour of those Fees which were chargeable with the expenses of the Knights of the Shire." Rep. I. 369.

(1) Rolls, 10 H. 6. Dugdale. Rep. App. IV. 879. P. H. II. 216. In the Archæologia, vol. 24, p. 317, &c., are preserved some curious "Proceedings of the Corporation of Lynn," in respect to this Parliament. From them we may probably draw the following conclusions.

First, that the business which was committed to the Burgesses elected, appertained (exclusively?) to the affairs of the Borough itself.

Secondly, that though no positive Pledges were given by such Burgesses, it was customary for them to make a twofold report on their return home, first, as to what they had done in regard to the particular trust confided to them; and, secondly, as to the general transactions of the Parliament, which, in these instances, they "ingeniously related," or "discreetly and seriously declared." That such a declaration should be expected in those days can excite no surprise. There were probably no other means by which information, so important and interesting, could be obtained. Inter-communication was difficult and rare, and Morning and Evening Journals did not exist.

Thirdly, that the Election of Burgesses was by a very limited number of persons, not exceeding twelve, who were called by the Mayor, by four and by eight, from the 24 of the corporate body and the Councils, to the entire exclusion of the mass of the people. Many instances of this form of Election appear in these Proceedings.

From them we may also make another inference which determines the doubtful day of the Feast of St. Margaret. It appears, on the following evidence, that this was kept on the 20th of July. According to the Rolls, &c., the Parliament commencing on the 12th of May, 1432, terminated on the 17th of July. By the Proceedings, it appears, that on July 23, 1432, one of the Burgesses gives an Account of that Parliament, which, says the same record, "lasted from May 12 to Thursday before the Feast of St. Margaret, which is July 17." It continues, "and so the Parliament held 70 days, and there was owing to the Burgesses for their appearance for 73 days, &c." From May 12 to July 17, both inclusive, are but 67 days. Six days may have been added for Journeys. At all events the Feast of St. Margaret is fixed to the 20th July, a date which appears to accord also with the periods of other Parliaments connected with that Festival.

Plague, to 15 of St. Michael, October 13; and on the first of November, Writs are issued for the immediate personal attendance of many Clergy and Nobles, who had neglected to appear. (u)
The Parliament sits till Dec. 21.

..... A Convocation of the Clergy of Canterbury is ordered for the Morrow of St. Leonard, Nov. 7, by Writs from the King. (v)

"October 10." A "Parliament," (u. a.) is held at Westminster. 1435.
A. R. 14

Writs are sent to the Prelates, as before, to the 3 Dukes, 8 Earls, 26 Barons (25 Chivalers, 1 Miles), and to all others. (w)
The Bishop of Bath and Wells, Lord Chancellor, declares the Cause of Meeting; chiefly the Revolt of the Duke of Burgundy.
Oct. 13. The Commons present their Speaker, "John Bowes."
Dec. 23., the last day? The Commons make very large grants.

..... A Convocation of the Clergy of Canterbury is, by writ from the King, ordered to meet at St. Paul's, or elsewhere, before the Quindene of St. Trinity, June 17. (x) 1436.
A. R. 14

"Jan. 21." A "Parliament," (u. a.), is summoned to Cambridge. 1437.
A. R. 15

Writs are addressed to the same persons, and to the Dukes of Gloucester and Norfolk.

The place of meeting is, afterwards, changed to Westminster. (y)

The King "in sede regiâ, in Camera depicta, juxta magnam Cameram Parliamenti, infra Palatium suum Westmonasterii sedente," the Bishop of Bath and Wells, Lord Chancellor, opens the meeting. He desires the Commons to bring their Speaker, at 8 o'clock, on the following morning.

On Wednesday, 23d, the Commons present John Tyrell, "Chivaler," who, being disabled by sickness, is, on the 19th March, replaced by "William Boerley."

March 27, the last day, the Commons make a Grant. They petition, that, whereas the Sheriffs often return, for Cities and Boroughs, persons not elected, the Sheriffs may be subject to a Penalty for such offence.

..... A Convocation of the Clergy of both Provinces, is, by the usual Writs, ordered for some day before the 1st of May. (z)

..... A Convocation, as before, is ordered "cum 1438.
A. R. 16

(u) Rolls, 11 H. 6. Dugdale. Rep. App. IV., 883, 887. P. H. II., 221, 227. The Parl. Hist., 228, seems to confound this Prorogation of Nov. 1, with a Summons for a fresh Parliament. There is, at least, no authority given for this Summons for the 8th July, and the prorogation to 15 days after Michaelmas, at Reading.

The Duty of Tonnage and Poundage hitherto given for a certain time and now granted indefinitely, receives the name of "Customs," as usual and constant payments.

(v) Rep. App. IV., 886.

(w) Rolls, 14 H. 6. Dugdale. Rep. App. IV., 888. P. H. II., 228.

(x) Rep. App. IV., 891.

(y) Rolls, 15 H. 6. Dugdale. Rep. App. IV., 891, 895. P. H. II., 230. The Rolls call the year 1436.

(z) Rep. App. IV., 897.

omni celeritate accomodâ," by Writs, tested, 12 d. February. (a)

1439. A Convocation is ordered at York, "cum omni celeritate accomoda, Oct. 6.

1439. Nov. 12. (*Morrow of St. Martin.*) A "Parliament,"
A. R. (u. a.), is summoned to Oxford.
18

Other Writs, change it to Westminster. Writs are addressed to the Prelates, as usual, including the Bishop of Winchester, commonly called "Cardinal of England," to Humphrey, Duke of Gloucester, the Dukes of York and Norfolk, 6 Earls, 26 Barons, (including 23 Chivalers, the Baron de Greystok, and 2 others), the Sheriffs and all others, as usual. (b)

In the "Camera depicta," the Bishop of Bath and Wells, Lord Chancellor, declares the Cause of Summons.

Friday, (2d day), the Commons having elected William Tresham, as Prælocutor, request to be allowed time till the following day, (diem Sabbati) Saturday.

Saturday, (3d day), they present their Prælocutor, in the customary manner, and his usual Protestation is ordered to be enrolled.

Dec. 21. Parliament is adjourned to Jan. 14, M. of St. Hilary. The Commons by Assent of the Lords Spiritual and Temporal make a Grant.

On the 16th Nov. last, a Return having been read to a Writ to the Sheriff of Cambridge for the election of Two Knights for the said County, and no Knights having been returned, for reasons specified in the Return, it is ordered that a fresh Writ shall be issued for the sending of such Knights. (c)

..... A Convocation for the Province of York is ordered "cum omni celeritate accomoda," on the 12th May. (d)

1442. Jan. 25. (*Conversion of St. Paul.*) A "Parliament,"
A. R. (u. a.), meets at Westminster.
20

Writs are issued to the Archbishop of Canterbury, to the Cardinal, Archbishop of York, to the Cardinal, Bishop of Winchester, and all other Prelates, (omitting the Prior of St. John), to the 3 Dukes, 11 Earls, the Viscount de Beaumont, Chivaler, 27 Barons, (25 Chivalers and 2 others), to all the Sheriffs, including those of Kingston-upon-Hull, (first time), and all others, as before. (e)

In the "Camera depicta juxta Magnam Cameram, infra Palatium, Westm.," the Bishop of Bath and Wells, Lord Chancellor, declares the Cause of Summons.

On Friday, the second day, the Commons elect William Tresham, as Prælocutor, but request a delay of one day.

On Saturday, they present him, according to the usual forms. March 27, the last day of Parliament, they make a Grant.

(a) Rep. App. IV., 897.

(b) Rolls, 18 H. 6. Dugdale. P. H. II., 234. Rep. App. IV., 898. In the Writs is one to John Sutton of Duddeley, Knight, to attend the present Parliament. T. R., apud Redyng, 15 d. Feb.

(c) Rolls V., 18 H. 6.

(d) Rep. App. IV., 902.

(e) Rolls, 20 H. 6. Dugdale. Parl. H. II., 238. Rep. App. IV., 903.

..... A Convocation for the Provinces of Canterbury and York is ordered, "cum omni celeritate accomodâ," by Writs, 26 d. January. (*f*)

February 25. A "Parliament," (u. a.) is held at Westminster. 1445.
A. R.
23

Writs are sent to the Prelates, as before, to the Dukes of Gloucester, York, Norfolk, Exeter, and all others. (*g*)

The Archbishop of Canterbury, (late Bishop of Bath and Wells,) Legate, and Lord Chancellor, opens the Session.

Feb. 26. Friday. The Commons elect "William Burley," but beg delay.

Feb. 27. Saturday. They present him in the accustomed manner.

March 15. (19th day of meeting.) Parliament is adjourned to April 29, and the Commons make a Grant.

June 5. It is again adjourned, as well on account of the Plague, then raging, as because the King, "attendens qualiter tempus autumnale, in quo Magnatibus circa suas recreationes et deductus, ipsisque Communibus, circa suarum Messium congregationem, intendere competeat, similiter appropinquabat," to the 20th day of October; when all now present are commanded to attend, punctually.

Dec. 15. (A. R. 24.) The Parliament is again adjourned to Jan. 24, when all the same persons are required to attend.

April 9. The Commons make a Second Grant.

A Petition of the Commons states, that, "Whereas there has been collected by the Sheriffs much more than enough money to pay the Wages of the Knights, which Surplus, they have kept for their own use; it is prayed, that at the next County Court, after delivery of the Writs to the Sheriffs for Expenses, the Sheriffs shall proclaim that the Coroners, Chief Constables and Bailiffs of every Hundred, and any others, shall attend to assess the Wages of the Knights, and that the Sheriff, or Under-Sheriff shall be obliged to attend, under a penalty, in presence of the above, and of the suitors of the said Counties then being present, and duly assess every Hundred, that the sum of the whole shall not exceed the sum due; and so for every Township, &c. It is answered, "Le Roi le voet."

A Petition is also presented for a Remedy against assaults on Lords, Knights, Citizens and Burgesses, coming to Parliament.

A Petition, on the Election of Knights, prays for the observance of the Statutes, A. R. 1, Henry 5, for Citizens and Burgesses, "*Resident and Enfranchised*," in their respective Cities and Boroughs; and also for the keeping of another Act, 8 Henry 6, for the manner of electing Knights. "Whereas, for their own advantage and aim, Sheriffs have not made due Elections, and sometimes have returned those who were not chosen, the Commons pray, that under his own Seal, the Sheriff may issue a sufficient Precept to Mayors and Bailiffs, or either, under a Penalty for due Returns from Sheriffs, Mayors, and Bailiffs, and that every Sheriff shall cause Election to be made in full County, between the hours of eight and eleven, A. M., under certain Penalties, &c." It is answered, "the King wills as is desired, so

1446.
A. R.
24

(*f*) Rolls, 23 H. 6. Dugdale. Rep. App. IV., 906.

(*g*) Rep. App. IV. 907. P. H. II. 239. The Rolls give the year 1444.

that, hereafter, the Knights of the Shire, be *notable* Knights of the Shire for which they are chosen, or else such *notable* Squires, Gentlemen of Birth, as be able to be Knights, and no man to be it, that standeth in the degree of Yeoman, and beneath." (h)

..... A Convocation for the Province of York is ordered to meet "cum omni celeritate accomoda," by Writs from the King, 26 January. (i)

1447. February 10. (*S^{ta}. Scholastica*.) A "Parliament,"
A. R. (u. a.), is summoned to Cambridge, but, by second
25 Writs, is removed, and held at Bury St. Edmunds, in Domo Refectorii Abbaciæ sive Monasterii de Bury S. E.

Writs are addressed to all Prelates, as before, to the Dukes of Gloucester, York, Norfolk, Exeter, Buckingham, Marquisses of Dorset and Suffolk, 7 Earls, Viscount de Beaumont, Chivaler, Viscount Bourghier, and 28 Barons, to all the Sheriffs and others as before. The Writ to the Sheriffs of Counties has these additional words, "quod Milites Comitatum extunc eligendi, Milites notabiles de eisdem Comitatibus pro quibus eligentur, vel saltem notabiles Armigeri, Hominesve generosi de natu eorumdem Comitatum qui habiles sunt Milites fieri, et nullus homo de gradu Valetti et gradu inferiori de essendo Miles hujusmodi existant, prout in Statuto plenius continetur." James Fenys, Knight, Lord of Say and Sele, and John Beauchamp, Knight, Lord of Beauchamp, are also summoned.

The Archbishop of Canterbury, Legate, Lord Chancellor, declares the Cause of Summons, and on the 4th day, Feb. 13, having begged a delay, the Commons present their Speaker, "William Tresham." (k)

1449. "Feb. 12, Friday." A "Parliament," (u. a.) is held
A. R. at Westminster.
27

Writs are issued to the Archbishop of Canterbury, Primate of all England, to the Cardinal, Archbishop of York, the Bishop of Winchester and 18 other Bishops, with the Clause, to 25 Abbots, the Prior of Coventry, to the Dukes of York, Suffolk, Norfolk, Buckingham, 6 Earls, 2 Viscounts, 25 Barons, Chivalers, 9 Barons, Milites, 4 other Barons, Domini de, &c., to William Bonevyle, Mil^{is}. Domo. Bonevyle de Cheston, to the Sheriffs, (including (first time) those of the Town (Villa) of Southampton, and all others. (l)

The Archbishop of Canterbury, Lord Chancellor, opens the Session.

On the 4th day, Monday, Feb. 15, the Commons having requested a delay, present their Speaker, "John Say," and make a Grant.

April 4, Parliament is adjourned to Wednesday, 7th of May, when all are required to attend.

May 30, on account of the Plague which rages in London and Westminster, Parliament is again prorogued to June 16, at Winchester.

(h) Rolls, 23 H. 6.

(i) Rep. App. IV. 911.

(k) Rolls, 25 H. 6. Dugdale. Rep. App. IV. 911-915. P. H. 11. 245.

(l) Rolls, 27 H. 6. Dugdale. Rep. App. IV. 919. P. H. 11. 250.

July 16, the last day, the Commons make a Second Grant.

A Petition from the Inhabitants of Ely, who had paid £200 to be for ever released from the payment of Wages of Knights for the County of Cambridge, prays the King "to ordain their release and discharge." The answer is "*Le Roi le voet.*"

A Petition is also presented on an assault on Sir Thomas Parr, Knight, by "two Belyngehams, Dykenson, and Strykeland, of Yorkshire." (m)

..... A Convocation of the Province of Canterbury is ordered at St. Paul's, or elsewhere, "*cum omni, &c.*" by Writs of May 12. (n)

"November 6," (*Thursday.*) A "Parliament," (u. a.), 1449.
meets at Westminster. A. R. 28

Writs are directed to the Prelates, as before, including the Prior of *St. John of Jerusalem*, to the Dukes of Suffolk, Norfolk, and Buckingham, 8 Earls, 2 Viscounts, 34 Barons, (including Chivalers, Milites, "*Domini de,*" and others), and to all the Sheriffs, (including, first time, those of the Villa Notynggham), and the Chief Justice and all others, as before, also to Robert Hungerford, Sen., "*Miles.*" (o)

The Archbishop of Canterbury, Lord Chancellor, declares the Cause of Summons, and on account of the infectious air of Westminster and its neighbourhood, by the King's command, removes the Parliament to the City of London, in the House of the "*Fratres Prædicatores,*" Black Friars?

Saturday, Nov. 8, the Commons present their Speaker, John Popham, Knight.

Thursday, Dec. 4. The cause of removal having ceased, Parliament is ordered to meet again at Westminster, on the following morning, at 8 o'clock.

Dec. 17. (Monday before the Nativity.) The Chancellor, "*before the Three Estates of the Kingdom,*" adjourns the meeting to *Jan. 22*, when all are commanded to attend.

Jan. 31. The Cardinal, Archbishop of York, is appointed Chancellor. 1450.

March 30. (Monday before Easter.) Parliament is prorogued and adjourned to *April 29*, at Leicester, on account of the insalubrity of the air. Here the Commons make a Grant.

The Trial of W. de la Pole, Duke of Suffolk, takes place.

November 6. (*F. of St. Leonard.*) A "Parliament," 1450.
(u. a.), meets at Westminster. A. R. 29

Writs are issued to the Prelates, as in the last Parliament, to the Dukes of York, Exeter, Norfolk, Buckingham, *Somerset*, 9 Earls, 2 Viscounts, 38 Barons, (including Chivalers, Milites et Domini, &c.) to all the Sheriffs (except Southampton) and others, the Chief Justice and 13 Judges, &c., and to William Fenys, Knight de Say. (p)

(m) Rolls, 27 H. 6.

(n) App. Rep. 4. 922.

(o) Rolls, 28 H. 6. Dugdale. Rep. App. IV. 922. P. H. II. 253.

(p) Rolls, 29 H. 6. Dugdale. Rep. App. IV. 927. P. H. II. 261, where the year is given 1451, for 1450.

The Cardinal, Archbishop of York, Lord Chancellor, opens the business.

Monday, Nov. 9. The Commons present William Oldhall, Knight.

Friday, Dec. 18. The King and three Estates being in full Parliament, it is adjourned to *Jan. 20.*

1451. *April 29.* The Parliament is again adjourned to *May 5.*

Among the demands of the Rebels under Jack Cade, were the following Complaints, "That the freedom of Election for Knights of the Shires hath been taken from the People by the great men, who send Letters to their Tenants and Dependents to choose such men as the People approve not: That Collectors of the Taxes being made, for Bribes, by the Knights of the Shire, use many extortions to raise them; And lastly, that the Sessions being held in the farthest part of the County, Eastward, the People were forced to go five day's journey to them, to their great trouble and damage, which they desire may be settled in two places more conveniently."

1452. A Convocation for the Province of York is ordered, by Writs to the Cardinal, Archbishop of York, tested, May 7. (q)

1453. "March 6." A "Parliament," (u. a.), meets at Reading.

Writs are sent to the Prelates, as before, to 5 Dukes, 12 Earls, 3 Viscounts, to 36 Barons, including Chivalers, Milites, Domini, and others, to all the Sheriffs, (except Southampton), and the Chief Justice, and 13 Judges, &c., and the Warden, as before. (r) Parliament assembles "in Domo Refectorii Abbatiae," where the Bishop of Lincoln, for the Archbishop, then absent, opens the Session.

March 8, the Commons present Thomas Thorp, as Speaker.

March 28, the Commons make a Grant, and the Parliament is adjourned to *April 26,* at Westminster.

July 2. The Commons make another Grant, and the same day, the Parliament is again prorogued and adjourned, for the usual reasons of the Autumnal Season, to Nov. 12, at Reading.

Nov. 12. At Reading, the Parliament is farther prorogued to Feb. 11, the King not being able to attend.

Feb. 11. The Parliament is adjourned to Feb. 14, and removed from Reading to Westminster, when Richard, Duke of York, is appointed Commissioner.

Thomas Thorp, the Speaker, and another Member, having been committed to prison in vacation time, at the instance of the Duke of York, certain of whose goods and chattels they had carried off, the Commons pray their Release.

The Lords Spiritual and Temporal, not intending to impeach or hurt the Liberty and Privileges of the Commons, but equally, after the course of Law, to minister justice, put it to the Justices, whether such persons ought to be delivered from Prison, by force and virtue of the Privileges of Parliament, or no. The Chief Justice, for the others, answers—"They ought not to answer that Question, for it hath not been used that the Justices should in any wise determine the Privileges of the High Court

(q) Rep. App. IV. 931.

(r) Rolls, 31 H. 6. Dugdale. Rep. App. IV. 931. P. H. II. 268.

of Parliament; for it is so high and mighty in its nature, that it may make Law, and that is Law, it may make no Law, and the determination and knowledge of that Privilege belongeth to the Lords of Parliament, and not to the Justices. But as for declaration of proceeding in the Lower Courts, in such Cases as Writs of Supersedeas of Privilege of Parliament be brought and delivered, there be many and divers Writs of Supersedeas of Privilege of Parliament brought into the Courts, but there is no general Supersedeas brought to surcesse of all Processes: for if there should be, it should seem that this High Court of Parliament that ministereth all justice and equity, should 'lett' the process of the Common Law, and so it should put the Party complaining without remedy, for so much as Actions at Common Law be not determined in this High Court of Parliament; and if any Member of this High Court of Parliament be arrested in such Cases as he not for Treason, or Felony, or Surety of the Peace, or for a Condemnation had before the Parliament, it is used that all such persons should be released of such Arrests, and make an Attorney, so that they may have their freedom and liberty freely to entende upon the Parliament." Upon which, it is thoroughly agreed and concluded by the Lords Spiritual and Temporal, that the said Thomas, according to the Law, should remain in Prison, the Privilege of Parliament, or that the same was Speaker of Parliament notwithstanding; and that the Commons shall be commanded to proceed to the Election of another Speaker.

Feb. 16. The Commons elect Thomas Charleton, Knight.

Tuesday, 19th March. Before the Duke of York, the King's Lieutenant in this Parliament, the Commons petition, that "a Wise Council of the right, discreet, and wise Lords and others," may be appointed for administering Justice and Equity.

The Archbishop of Canterbury is appointed Lord Chancellor, in place of the deceased Cardinal.

Certain Lords are appointed to confer with the King at Windsor.

March 27 and April 3. Richard, Duke of York, is chosen "Protector et Defensor Angliæ."

April 16. A Loan is ordered to be made for the Kingdom.

In the course of this Session, (Feb. 28,) the Commons petition against many Lords, who have absented themselves from Parliament since the 14th of this month, "that they be severally fined, every Archbishop and Duke, £100, Bishops and Earls, 100 marks, Abbots and Barons, £40; the said Fines to be levied on their goods." Le Roy le voet.

July 9. (Wednesday.) A "Parliament," (u. a.) meets 1455:
at Westminster. A. R. 33

Writs are addressed to all the Prelates, as usual, to 4 Dukes, 11 Earls, 2 Viscounts, 30 Barons, (Chivalers, Knights, Domini, and others,) to all the Sheriffs, (including Southampton, and, first time, Coventry,) the Chief Justice, and all others; also, afterwards, to Will. Weste, Knight, and Thomas Stanley, Knight, "Dno. de Stanley." (s)

(A) Rolls, 33 H. 6, and App. V. 450-3-4. Dugdale. Rep. App. IV., 335. P. H. II. 278. Many Peers had been slain in the battle of St. Albans, May 23, 1455.

It appears from the Rolls, that on the 5th July (a. r. 33;) previous to this Parliament, the King writes to the Sheriff of Kent, "hearing that sundry Persons are busy in

The Archbishop of Canterbury, Lord Chancellor, opens the Session in the Camera Depicta.

July 11. (Friday.) The Commons present "John Wenlok, Knight."

A. R.
34

July 31. On account of the season, Parliament is prorogued to Nov. 12, when the meeting takes place before the Duke of York, Commissioner.

Nov. 18. The Duke of York is appointed Protector.

Dec. 13. Parliament is prorogued to Jan. 14, 1456.

Thomas Young, a Knight of Shire, having been arrested and imprisoned without Indictment, and with loss of Goods, for matters said in Parliament, the Commons pray "a sufficient and reasonable Recompense." It is ordered, that the Lords of the Council provide according to their discretion.

1456.

Jan 14. The adjourned Parliament meets.

A. R.
84

Feb. 25. Parliament is still holding. The Protector is exonerated.

1459.

A. R.
98

November 20. (Tuesday.) A "Parliament," (u. a.) meets at Coventry.

Writs are issued to all the Prelates, as before, to 3 Dukes, 8 Earls, 2 Viscounts, 35 Barons, (Chivalers, Milites, and others,) to all the Sheriffs and others, and to John Neville D^{uo}. Neville, Militi. (r)

The meeting is held "in Domo Capitulari Prioratus B. Marie," where the Bishop of Winchester, Lord Chancellor, opens the business.

Nov. 22. (Thursday.) The Commons present their Speaker, Thomas Tresham.

"The Sheriffs of last year having been commanded, by Letters of the *Privy Seal*, to proceed to elect Knights of the Shires, for the good and hasty speed thereof, petition that all such Elections be good and effectual as of Knights made by Writ or Writs direct, and that they may be discharged of any Penalties, &c., by force of Statute, 23 Henry 6, for holding Offices longer than a year, for any manner of Election of Knights, as well by force of the King's Writs, as by force of Letters of Privy Seal or otherwise, and for Returns of the same, and for all manner of Returns of Citizens and Burgesses in their several Shires for this present Parliament, by any of them returned before the last day of this present Parliament." "*Le Roy le voet.*"

Dec. 20. Parliament is dissolved.

..... A Convocation of the Clergy of both Provinces is ordered, as usual, with all convenient speed.

The Writs are tested, Feb. 12, A. n. 38. (u)

choosing the Knights, 'nothing to the honour of the Labourers, but against their worship,' as also against the Laws and Ordinances of the Land. He wills and charges the Sheriff that he openly declare at the time of Election, that his will is, the said Shire has its free Election according to the Laws and Ordinances, and that if any man, of whatever Estate, Degree or Condition, attempt the contrary, he shall run in the King's grievous displeasure.

It may be noticed here that the adjourned meeting of Jan. 14, 1456, is no where specially recorded, but it is proved by the Rolls, 34 H. 6, p. 321, that Parliament was sitting on the 23 February.

(r) Rolls, 38 H. 6. Dugdale. Rep. App. IV., 940. P. H. II., 288, where the year is erroneously given 1460.

(w) Rep. App. IV., 945.

October 7, (Tuesday.) A "Parliament," (u. a.), 1460.
meets at Westminster. A. R. 39

Writs are addressed to the Archbishops and 18 Bishops, with the Clause, 25 Abbots, the 2 Priors, Dukes of York, Norfolk, Exeter, Somerset, 9 Earls, 1 Viscount, 36 Barons, &c., to all the Sheriffs of Counties, the Sheriffs of Ten Cities and Towns, the Chancellor of County Palatine of Lancaster, the Chief Justice and all others. (v)

In the "Camera Depicta infra Palatium," the Bishop of Exeter, Lord Chancellor, explains the Cause of Summons.

Oct. 10, (Friday.) The Commons present "John Grene," their Speaker.

An act is passed annulling all the Proceedings of the last Parliament held at Coventry, as having been unduly summoned, and many Knights, Citizens and Burgesses having appeared without any or due election, against the Laws, and the Liberties of the Commons, &c." A Mandamus is sent to the Sheriffs to make Proclamation to this effect, "Auctoritate Parliamenti."

Walter Clerk, the Burgess for Chippenham, having been arrested for a fine and imprisoned in the Counter, the Commons pray that the Warden of the Fleet may be ordered to dismiss him, &c., saving to the Commons, their whole Liberties, Franchises and Privileges." *Le Roy le voet.*

EDWARD IV.

(March 4, 1461.)

"July 6." A "Parliament," "cum Prælati, Mag- 1461.
natibus et Proceribus Regni, Colloquium et Tractatus," A. R. 1
is summoned to Westminster.

Writs are issued to the 2 Archbishops and 19 Bishops, with the Clause, to 25 Abbots, the Priors of Coventry and *John of Jerusalem*, to the Duke of Norfolk, 4 Earls, 1 Viscount, 31 Barons, (including 28 "Chivalers," 1 "Miles," 1 "Armiger" and the Dominus de Clynton), to the Chief Justice and 13 Judges, &c., to the Sheriffs of Counties, with omission of the Qualification and Penal Clauses, as well respecting Knights, Citizens and Burgesses as Electors and Sheriffs, to the Chancellor of the County Palatine of Lancaster, to the Sheriffs of London, Bristol, York, Norwich, Lincoln, Coventry and of the Towns (Villæ) of Nottingham, Newcastle-upon-Tyne, Kingston-upon-Hull, and Southampton, to the Constable of Dover Castle, and the Warden of the Cinque Ports.

By Second Writs to the same, and to 8 other "Milites," the Parliament is prorogued to Westminster, *Wednesday, Nov. 4. (w)*

(v) Rolls, 29 H. 6. Dugdale, Rep. App. IV. 945. P. H. II. 294, where again the year, 1461, is wrong. It is difficult to reconcile the Test of the Mandamus sent to the Sheriffs for such Proclamation, "Canterbury, August 8, 1460," "Auctoritate Parliamenti," with the Proceedings on this Subject which were had, according to the Rolls, on Friday the 4th day of the Parliament, which began Tuesday, Oct. 7, 1460. The Proclamation may have been made at the first date, but by the Authority of what Parliament does not appear. See P. H. II., 295.

(w) Rolls, 1 Edw. 4. Dugdale, Rep. App. IV., 950, 953. P. H. II., 312.

Nov. 4. The Assembly meets in the "Camera depicta infra Palatium Westm."

The Bishop of Exeter, Lord Chancellor, declares the Cause of Summons.

Nov. 6, (Friday.) The Commons present their Speaker, James Strangways, Knight, who makes the usual Protestations, and is allowed.

An Act is passed, affirming the reign of Henry 4 to have been an Intrusion and Usurpation, and disabling the said Henry, Earl of Derby, otherwise called Henry 4, and the Heirs of his body, to enjoy any Inheritance, Estate or Profits, within this Realm, or Dominions of the same for ever, with a Provision for all men's Rights, except those who claim by grants from Henry 4, Henry 5, (de facto et non de Jure Reg. Ang.) the pretended Henry 6, (late in deed, not in right, King), in his usurped Reign

Dec. 21, (Monday.) The Parliament is prorogued to

May 6, at Westminster; when the King being unable attend, the Parliament is dissolved, by his command.

1462.

A. R.

2

1463.

A. R.

2

February 5. A "Parliament," (u. a.) is summoned to York.

Writs are issued to the Prelates, as before, to 5 Earls, 37 Barons, and others, to John Markham, "Militi," Chief Justice, and 12 others, (Judges ?) to the Sheriffs of Counties, as last described, to those of 11 Cities and Towns, including, first time, the City of Canterbury, and all others, as before. (x)

A. R.

3

"April 29." (Friday.) A "Parliament," (u. a.) is held at Westminster.

Writs are issued as to the last.

Previous Writs to the Sheriffs and others, (tested, Feb. 25, A. R. 2), state that the last Parliament was prorogued to meet at Leicester, on the 7th day of March, and is now again prorogued to the 29th of April, for the following reasons, "We have called the Commonalty by authority of such Election as accordeth with our Laws and their freedom and liberty. Nevertheless, as we understand, that the Election of Knights of right many of the Shires of the same our land, for the said Parliament, hath not by the order of the said Laws, but contrary thereunto, and also to our peace and the said freedom and liberty, proceeded right inordinately, whereof to great and perilous inconvenience and evil example in our said Land might grow, if the same Parliament should have been kept. Wherefore, and also to intent, that, in time of Lent, appropriated to devotion, and purifying of every man's life to God's pleasure, we now apply us to give to our blessed Creator the loving that our mind, of possibility, can remember unto his Grace, for the bounty shewed plenteously unto us to the joy and comfort of all our subjects, of whose disposition and inclination to like devotion in the said time, and to give thanks to our said Creator for his grace, we be right desirous, we be determined not to hold our Parliament, &c., but by new Writs, &c., and therefore, and for the tender zeal and affection we have to the continuance of the said freedom and liberty, and to the Statute of the said Election ordained, charge and command straitly all our subjects, that none of them presume to come to the Election

of Knights, but such as have interest therein, by Freehold, to the yearly value of 40s., according to the Statute, &c." (y)

The Bishop of Exeter, Lord Chancellor, declares the Cause of Summons.

May 2. (Monday.) The Commons present their Speaker, "John Say."

They make a Grant.

June 17. (Saturday.) The Parliament is prorogued to Nov. 4.

Nov. 4. The King being unable to attend, the Chancellor, by his command, "prorogues and adjourns" the meeting to

Feb. 20, at York. There, in "Magnâ Aulâ infra Palatium Episcopi," he further prorogues the same to May 5, at York. 1464.

May 5. A further prorogation takes place to Nov. 26, at York. 1464.

Nov. 26. The Parliament is again prorogued to Jan. 21, at Westminster. A. R. 4

Jan. 21. The meeting of the "King and three Estates" takes place in the King's Palace, Westminster, when a Grant is made, for the Life of the King. A. R. 4

June 3. (Wednesday.) A "Parliament," (u. a.) is held at Westminster. 1467. A. R. 7

Writs are issued to all the Prelates as before, to the Dukes of Clarence, Norfolk, Suffolk, 9 Earls, 34 Barons, ("Chivalers,") to John Markham, Chief Justice, and 8 others, "Milites," and 7 others, Judges, &c., of Council, (?) to all the Sheriffs, omitting the Clauses, and to all others. (x)

The Bishop of Lincoln, in the absence of the Archbishop of York, Lord Chancellor, opens the Session, in the "Camera depicta."

June 6, (Saturday.) The Commons, after the usual delay of one day, present their Speaker, John Say, Knight.

July 1. The Bishop of Bath and Wells, Chancellor, by command, prorogues the Parliament to Reading, on the 6th of November, on account of the Season of the Autumn, and the prevalence of the "plagam pestilentie."

Nov. 6. The King, in the presence of the Three Estates, in a Chamber "infra Abbaciam de Redynge," authorizes the Chancellor, to prorogue the Parliament to May 5, Thursday before 15 of Easter, of the following year, at Reading, "on account of the present shortness of the days, and the nature of the Season."

May 5. The Parliament meets, and is again prorogued to May 12, at Westminster. 1468. A. R. 8

May 12. Parliament meets, and, on the 16th, the Commons make a Grant.

The Commons present a Petition as to Sheriffs retaining office.

"Sept. 22." A "Parliament," (u. a.), is summoned to York. 1469. A. R. 9

Writs are issued to the Prelates, as usual, to the Dukes of Clarence, Gloucester, Norfolk, Suffolk, 8 Earls, 31 Barons,

(y) Rolls, 3 Edw. 4. Dugdale. Rep. App. IV., 960, 963-4. P. H. II., 322, 328. It is also stated in this last place, that a Convocation met at London during one of these Sessions, in which the Clergy very willingly gave a Tenth to the Crown, in acknowledgment for an extensive Charter lately granted them.

(x) Rolls, 7 Edw. 4. Dugdale. Rep. App. IV., 968. P. H. II., 329.

("Chivalers,") to the Chief Justice and to all others, tested, Aug. 10, and omitting the Qualification Clauses. (a)

By Second Writs, Sept. 7, the Parliament is put off *sine die*, on account of the expected invasion of the French and Scotch. (b)

1470. "November 26." A "Parliament," (u. a.), is summoned to Westminster.

A. R.
10
et
Hen. 6.
49

Writs are sent to all the Prelates, the Dukes of Clarence, Norfolk, and Suffolk, the Marquis "de Montacute," 7 Earls, 23 Barons, (Chivalers, and Knight), and all others. (c)

A. R.
10

..... A Convocation of the Clergy of both Provinces is ordered, with all convenient speed.

Writs (June 11) are directed to the Cardinal, Archbishop of Canterbury, Primate of all England, and to the Archbishop of York, Primate of England. (d)

1471.

A. R.
11

..... A Convocation (as before) is ordered, by Writs of 4 December. (e)

1472.
A. R.
12

"October 6." (Tuesday.) A "Parliament," (u. a.), is held at Westminster.

Writs, "per Breve de Sigillo privato," are issued to all the Prelates, as usual, to the Dukes of Clarence, Gloucester, Norfolk, Suffolk, 8 Earls, 25 Barons, "Chivalers," to the Chief Justice and to all others. (f)

The Bishop of Rochester, in the absence of the Bishop of Bath and Wells, Lord Chancellor, declares the Cause of Summons, in the "Camera depicta."

Oct. 9. (Friday.) The Commons, as usual, present their Speaker, "William Alyngton."

Nov. 30. The Commons and Lords Spiritual and Temporal, make a Grant, and the Parliament is prorogued to Feb. 8, at Westminster.

1473.

Feb. 8. The Parliament is resumed, and continues sitting till April 8, when, after a Grant from the Commons, it is prorogued, on account of the festival of Easter, to Oct. 6, at Westminster. An act passes to enable the King, notwithstanding this adjournment, to assemble the Parliament at any earlier day, by Writs of 20 days' notice, and then this Prorogation to be of none effect.

A. R.
13

Oct. 6. The Parliament meets at Westminster, and continues to Dec. 13, when it is prorogued to Jan. 20, by the Bishop of Durham, then Lord Chancellor.

1474.

Jan. 20. Parliament again meets, and continues to Feb. 1, when it is again prorogued, by the Chancellor, to May 9.

A. R.
14

May 9. The Estates of the Kingdom re-assemble, and continue sitting till the 28th, (Saturday, in Vigil Pentecost,) when

(a) Dugdale. Rep. App. IV., 969.

(b) Rep. App. IV., 972.

(c) Dugdale. Rep. App. IV., 976. P. H. II., 334. According to the Historians, Hall, Grafton and Halington, at this Parliament of Henry 6, Edward was declared a Traitor to his Country, a Usurper of the Crown, and had all his goods Confiscated. All his Statutes were revoked. Henry's power lasted only from Oct. 9, to March 27 of the following year.

(d) Rep. App. IV., 980.

(e) Rep. App. IV., 980.

(f) Rolls, 12, 13, 14 Edw. 4. Dugdale. Rep. App. IV., 980. P. H. II., 339.

the Bishop of Lincoln, Lord Chancellor, adjourns them to June 6, at Westminster.

June 6. After sitting from this day to July 18, the Commons make a Grant, and Parliament is adjourned by the Lord Chancellor, on account of the Autumnal Season, to Jan. 23.

Jan. 23. The Parliament resumes its business, and continues till March 14, when the Chancellor, by the King's command, returns thanks to the Three Estates, and dissolves the Parliament. (g) 1475. A. R. 14

A Petition, on Privilege, is presented by the Commons, in favour of William Hyde, "Squier," Burgess of Chippenham, who, after his coming, was arrested and imprisoned in the Counter and Newgate. The Chancellor is ordered to direct a Writ to the Sheriffs of London for his dismissal.

..... A Convocation of both Provinces is ordered, by the usual Writs, (3 Dec., A. R. 12, 1472), to meet, "cum omni celeritate accommodâ." (h)

"Jan. 16," (Friday.) A Parliament meets at Westminster, in the "Camera depicta, vulgariter nuncupata Camera Sancti Edwardi, infra Palatium," (i) 1478. A. R. 17

The Bishop of Lincoln, Lord Chancellor, declares the Cause of Summons.

Jan. 19. (Monday.) The Commons, having on Saturday elected their Speaker, present "William Alyngton."

An Act is made to repeal a Parliament holden anno 10 Edw. 4, or 49 H. 6, with all the Acts therein made, and their Exemplifications.

A Petition of Privilege is presented against attachment of Persons; and an Ordinance is made for John Atwyll, a Burgess for Exeter, who had been condemned on many Informations in the Exchequer, to have as many Supersedeas as he pleased, until his coming to his own home."

"January 20." (Monday.) A "Parliament," (u. a.), meets at Westminster. 1483. A. R. 22

Writs are issued to the Prelates as usual, to the King's dear Son, Edward, Prince of Wales, the Dukes of York, Gloucester, Suffolk, Buckingham, the Marquis of Dorset, 7 Earls, 32 Barons, (Chivalers, Milites and others), and to all others as before. (k)

The Archbishop of York, Lord Chancellor, declares the Cause of Summons, in the Camera depicta, "called the Chamber of St. Edward."

(g) This is the longest Parliament that has yet occurred. It sat, with the several Prorogations, more than two years and a quarter. Three several Chancellors presided.

(h) App. Rep. IV., 984.

(i) Rolls, 17 Edw. 4. P. H. II., 353. There are no Writs discovered for this Parliament. The year, in the Rolls, is 1477.

(k) Rolls, 22 Ed. IV., where the year is 1482. Dugdale, whose Lists are corrected in the Report. Rep. App. IV., 984. The Writs bear the date, 22 and 23 Edw. IV.

But, Nov. A. R. 22 was in 1482, and Jan. 1483, was still in A. R. 22. In the P. H. II., 363, it is said, "the Abridgement of the Records gives the names of Peers summoned to attend a Parliament at Westminster, Jan. 20, A. R. 23. But as no such Parliament appears on Record, it is probable, say the Editors, they never met, being prevented by the sickness and death of the King. All this is an evident error, as there was no January in the 23 E. 4, this year of his reign lasting only from March 4 to April 9, 1483. The present Parliament is, no doubt, that to which the account alludes.

Jan. 21. The Commons elect "John Wode," and on the following day, Wednesday, present him as their Speaker.

Feb. 5. The Commons, *by Assent of the Lords Spiritual and Temporal*, vote a Supply.

..... A *Convocation* of the Clergy of the Province of Canterbury is ordered, "*cum omni celeritate accommodâ*."

Writs to the Archbishop, are tested, 3 d. February. (1)

RICHARD III.

(June 26, 1483.)

1484. *Jan. 23. (Friday.)* A Parliament is held in the
A. R. 1 "Camera depicta," at Westminster.

Writs of Summons are directed to Thomas, Archbishop of Canterbury, the Bishops, Abbots, Priors, to Edward, Prince of Wales, Duke of Cornwall and Earl of Chester, the Dukes of Norfolk and Suffolk, the Earls of Arundel, Kent, Westmoreland, Northumberland, Huntington, Surrey, Nottingham, Viscounts Lovel, Lisle, Lords Greystock, Scrope of Masham, Beauchamp de Beauchamp, Audley, Nevile of Bergavenny, Grey of Wilton, Stanley de la Strange, Grey, West de la Warre, Devereux de Ferrers, Scrope of Bolton, Lumley de Lomley, Stanley de Stanley, Broke de Cobham, Blount de Mountjoy, Stourton de Stourton, Sutton de Dudley, Dynham de Care-Dynham, Fitzhugh, Zouch, Arundel de Matravers, Dacres of Gillsland, Gray of Powis, Hastings of Welles, Ogle de Ogle, Hastings of Hungerford, Chivalers; to the following Judges, Sirs W. Husee, Knight, Chief Justice, Thomas Bryan, Guy Fairfax, William Jenny, John Catesby, Richard Neell, Knights, Roger Townsend, Thomas Tremayle, John Vavasour, Knights, and Morgan Kidwelly, Esq., King's Attorney-General.

The Bishop of Lincoln, Chancellor, declares the Cause of Summons. Receivers and Triers of Petitions are appointed.

On Saturday, the Commons elect a Speaker, and ask when they may present him. They are desired to do so on Monday.

Monday, 26. The Commons present William Catesby, who is accepted.

An Act passes for the Settlement of the Crown on Richard and his issue. A Roll had been presented to Richard, as Duke of Gloucester, by many Lords Spiritual and Temporal, and other Nobles, on behalf of and in the name of the Three Estates of the Realm, choosing him as their King and Sovereign Lord, but such persons not being assembled in form of Parliament, the Lords Spiritual and Temporal and Commons of the Land, now assembled in Parliament, pronounce and declare that the said Sovereign Lord was very and undoubted King of the Realm of England.

(1) Dugdale. Rep. App. IV., 968. With this Reign terminate the Writs collected in the Appendices to the Lords Report.

The Earl of Richmond (afterwards Henry 7) the late Duke of Buckingham, and numerous other persons "unnatural subjects, rebels, and traitors unto our Sovereigne Lorde Kyng Richard the Thyrde," are attainted of High Treason; and many other Acts are passed.

Feb. 20. The Commons make a Grant, and the Parliament ends. (*m*)

HENRY VII.

August 22, 1485.

Nov. 7. (Monday.) A Parliament is held at Westminster. 1485.
A. R.
1

All the Prelates are summoned, as before, the Dukes of Suffolk and Bedford, the Earls of Arundel, Oxford, Kent, Nottingham, Wilts, Rivers, Derby, Huntington, Devon, Viscounts Lisle, Beaumont, Barons Greystock, Scrope of Masham, Beauchamp, Nevile of Bergavenny, Grey, Lumley, Broke of Cobham, Mountjoy, Stourton, Sutton of Dudley, Denham, Arundel of Matravers, Grey of Powis, Clifford of Clifford, Fitzwalter, the Judges, Chief Justice Husee, Sirs T. Bryan, Guy Fairfax, John Catesby, Richard Noel, Roger Townshend, Humphrey Starky, Knights, John Suliard, J. Vavasour, and William Hode, Attorney-General.

The Assembly takes place in the "Camera communiter dicta Crucis, infra Palatium Westmon."

The Bishop of Worcester, Chancellor, declares the Cause of Summons, and orders the Commons to elect a Speaker.

On Tuesday, they elect, and on Wednesday, present, Thomas Lovell.

An Act is passed, "that the Inheritance of the Crown of England shall be, rest, remain, and abide, in Henry, and the Heirs of his body;" "omnium Prælatorum, Procerum, Magnatum, Nobilium, totius Angliæ Plebis, electione et voto," or as the Pope's Letter adds, "Necnon Decreto Statuto et Ordinatione ipsius Angliæ Regni trium Statuum, in ipso Conventu, Parlamento nuncupato."

The attainders of Henry 6, Queen Margaret, and the Prince of Wales, in the 1st Edw. 4, and the attainders of many of the King's friends are reversed, and many of his enemies are attainted.

Parliament grants the usual Tonnage and Poundage, and the Subsidy on Wools, &c., and, on the 19th November, an Oath is taken by the Members, for the observance of certain Articles touching Petitions. (*n*)

(*m*) Rolls, 1 Rich. 3. Dugdale. Parl. Hist. II., 379—the Editors however err when, at p. 365, they say, there was no Speech from the Chancellor, declaring the Cause of the Meeting, nor any Speaker to the Commons mentioned, nor any notice of a Subsidy. All which appear in the Rolls. Rep. I., 371. The Act of Settlement farther states, "That the Court of Parliament is of such authority, and the People of the Land of such nature and disposition, as experience taught, that manifestation and declaration of any truth or right by the three Estates of the Realm assembled in Parliament, and by authority of the same, made before all things meet faith and certainty, quieting men's minds, &c."

With Rich. 3. closes the History of the Plantagenets, who had extended through 14 Reigns and over a space of 360 years.

(*n*) Rolls, 1 Hen. 7. Dugdale. That the Parliament was constituted as in former

1487. **Nov. 9. (Friday.)** A Parliament is held at Westminster in the "Camera dicta Crucis."

A. R.
3

Writs are issued to all Prelates, 2 Dukes, 12 Earls, 3 Viscounts, 16 Barons, the Chief Justice, and 9 Judges.

Morton, Archbishop of Canterbury, Chancellor, declares, at great length, the Cause of Summons.

Monday, 12th. The Commons present their Speaker, John Mordaunt.

Many Bills and Petitions are presented, and Acts passed. Among the last, an Act, giving the Star Chamber authority to punish divers Misdemeanors.

A large Subsidy is granted towards a War with France. (o)

1489. **Jan. 13. (Tuesday.)** A Parliament meets at Westminster in the "Camera Crucis."

A. R.
4

On Wednesday, the Commons elect, and on Thursday, present their Speaker, Thomas Fitzwilliam, Knight.

Many Petitions are presented, and Acts passed.

Feb. 23. A Subsidy is granted by the Commons with the assent of the Lords Spiritual and Temporal.

1490. The meeting is prorogued to Wednesday, 14th October, when it re-assembles, and continues Proceedings to Tuesday, 4th of December. It is, on that day, prorogued to Monday, 25th of January, 1490, when business is resumed, and carried on to 27th of February, on which day the Parliament is dissolved. (p)

A. R.
5

1491. **Oct. 17. (Monday.)** A Parliament is held at Westminster in the "Camera Crucis."

A. R.
7

Writs are issued to all the Prelates, to Arthur, Prince of Wales, (the King's eldest son,) to 2 Dukes, the Marquis of Barkley, 9 Earls, 3 Viscounts, 24 Barons, the Chief Justice, and 10 others.

The Archbishop of Canterbury, Chancellor, declares the Cause of Summons.

On Tuesday, the Commons elect, and the following day, present their Speaker, Richard Empson.

1492. **Nov. 4. (15th day.)** The Chancellor prorogues the Assembly to Thursday, 26 d. Jan., 1492. On this day the King and Three

A. R.
7

Reigns is evident from these Lists given in Dugdale's Summons, and from the terms of the Pope's Bull confirming the Crown to Henry, as in the text. It will be recollected that Dugdale gives only Lists of the Nobility. The Writs for the Commons have not been edited.

The Report I., 372 observes, that the great Income, which from various sources there enumerated, accrued to the Crown, rendered Henry in a great degree independent of that Parliament which had created his Title to the Throne, and particularly of the House of Commons, whose great influence had before been principally derived from the necessity for extraordinary aids to support the expences of the King. In the Lords House of Parliament, his influence was always predominant, the number of Temporal Peers having during his reign been generally about forty only, and in the early part of his reign not so many, and the Spiritual Lords having been therefore always the majority of the House. The object of his policy was to destroy the influence of the great Nobility, which had created continual disturbance, &c. The consequence was, that the power of the Crown in the latter years of Hen. 7, and in the reign of his Son, was above the controul of the Two Houses of Parliament, which both these Princes used as Instruments of their Will."

Lord Bacon, Life Hen. 7, gives the Proceedings of this Parliament. See also Parl. Hist. II., 402.

(o) Rolls, 3 H. 7. Dugdale. Bacon, H. 7. P. Hist. II., 412.

(p) Rolls, 4 H. 7, where the year is called 1488. Stat. of Realm, n. e. 9. Bacon's H. 7, who says, "Certainly his times for good Commonwealth Laws did excel, so as he may justly be celebrated for the best Lawgiver to this nation, after King Edw. I." P. H. II., 425.

Estates meet again, and continue sitting till the 5th of March, when Parliament is *dissolved*.

Many Bills and Petitions are presented, and Acts passed. (q)

Oct. 14. (Wednesday.) A Parliament assembles at Westminster in the "Camera Crucis." 1495.
A. R. 11

Writs issue to all the Prelates, the Prince of Wales, 2 Dukes, 11 Earls, 2 Viscounts, 26 Barons, the Chief Justice, and 9 others, including, as usual, the King's Attorney.

The Cardinal, Archbishop of Canterbury, Chancellor, opens the Parliament.

On Thursday, the Commons elect, and on Saturday, present their Speaker, Robert Drury.

Many Acts are passed, and Bills and Petitions presented. (r)

Jan. 16. (Monday.) A Parliament is held at Westminster, in the Chamber "vulgarly called 'Crucis.'" 1497.
A. R. 12

Writs are directed to all the Prelates, the Prince of Wales, one Duke, one Marquis, 11 Earls, 2 Viscounts, 24 Barons, the Chief Justice, and 10 others.

The Cardinal, Archbishop of Canterbury, Chancellor, declares the Cause of Meeting.

On Tuesday, the Commons elect, and on Thursday, present their Speaker, Thomas Ingelfeld.

A Subsidy is granted. Many Petitions and Bills are sent in, and Acts passed. (s)

Jan. 25. (Thursday.) A Parliament meets at Westminster, "in Camera Magna vulgariter dicta Crucis, juxta Capellam et Oratoria infra Palat. Westm." 1504.
A. R. 19

William, Archbishop of Canterbury, Chancellor, declares the Cause of Summons.

On Friday, the Commons elect, and on Monday, the 5th day, present their Speaker, Edmund Dudeley.

A reasonable Aid is demanded as due for making the King's son, Prince of Wales, a Knight, and for the Marriage of his eldest daughter, Margaret, to the King of Scots.

(q) Rolls, 7 H. 7. Stat. Vol. II. Bacon's H. 7. P. H. II., 431. Dugdale's Summons. This Parliament is there headed A. R. 7, which is right. But the Text is A. R. 6. In this instance, Dugdale deviates from his usual course and might mislead. In the subsequent Writs, the Texts are omitted.

This Parliament consents that a Benevolence shall be gathered and levied "from the more able sort." This was devised by Edw. 4, for which he sustained much reproach. It was abolished by Act of Parliament under Rich. 3, and now by consent of Parliament, which had not been granted to Edw. 4, revived by Hen. 7.

(r) Rolls, 11 H. 7. Stat., Vol. II. Bacon. Dugdale. P. H. II., 437, which, by error, calls the year 1497, though at the same time charging others with "very great mistake." The Writs for this Parliament are tested Westminster, Sept. 15, being a notice of only 29 days. The Report I., 372, says, "By an Act, 11 H. 7, all Lands within North and South Tindale were made gildable and parcel of the County of Northumberland." The object of the Policy of Edw. 1, in uniting Wales to England, had been in a great degree defeated by mal-administration of the Government, and by various severe Laws made principally during the reigns of the Princes of the House of Lancaster, by which Wales had become almost a strange country to England. The House of Tudor adopted a different policy, and by these Laws, 27 Henry 8, Wales was allowed the benefit of English Laws, &c.

(s) Rolls, 12 H. 7, where the year is called 1496. Bacon. Dugdale. The P. H. II., 441, makes the year 1498. Seven years now elapse without a Parliament.

On the subject of the Grants to Hen. 7, and his love of money, the Pere D'Orleans remarks "Le Peuple Anglois, le moins docile de tout le Peuples, a payer des subsides a ses Rois, estoit toujours en garde contre lui quand il s'agissoit de cet Article."

Many Laws are made, and Petitions presented.
A Subsidy is granted. (*t*)

HENRY VIII.

(April 22, 1509.)

1510. *Jan. 21. (Monday.)* A Parliament is held at Westminster.
A. R.
1

Writs are directed, as usual, to all the Prelates, to the Duke of Buckingham, to the Marquis of Dorset, the Earls of Northumberland, Arundell, Oxford, Surrey, Kent, Essex, Derby, Shrewsbury, to the Barons, Clifford de Clifford, Nevyle de Bergavenny, Hastings de Hastings, West de la Warre, Lomley de Lomley, Brooke de Cobham, Sutton de Dudley, Nevill de Latimer, Willoughby de Willoughby, Somerset de Herbert, Darcy de Darcy, Coniers de Coniers, Blount de Mountjoy, Zouch de Zouch, Bourghchier de Fitz-Waryn, Ormond de Rochford, Fennis de Dacre, Ogle de Ogle, Bourghchier de Barners, Grey de Wilton, Stourton de Stourton, Dacre de Dacre, Scroope de Bolton, Grey Dom^o. Ferrers de Groby, Devereux de Ferrers, George Fitz-Hugh, "Chivalers." Also, to the Chief Justice, John Finiux "Miles," and 9 others, Judges, and the King's Attorney.

The Assembly meets in the Great Chamber of the Palace, near the Royal Chapel or Oratory, and, the King sitting on his Throne, W. Warham, Archbishop of Canterbury, Lord Chancellor, declares the Cause of Summons. Receivers and Tryers are appointed to sit in the Chamber of the Treasury.

Jan. 23. (Wednesday.) at 10 o'clock, the Commons present their Speaker, Thomas Inglefield, who makes the usual protestation for Liberty of Speech, &c., and is confirmed. It is unanimously agreed by the Lords Spiritual and Temporal, to meet every morning at nine o'clock.

Jan. 24. (Thursday.) Four Bills are presented and read. The first, as usual, to confirm the *Liberties of the Church*, &c.

Feb. 23. (29th day of Session.) The Commons, with consent of the *Lords Spiritual and Temporal*, grant a Supply of 2 Tenths and 2 Fifteenths, and the Parliament being assembled in the "Camera Crucis," the Chancellor, in the King's name, returns thanks and dissolves the Meeting. (*u*)

1512. *Feb. 4. (Thursday.)* A Parliament meets at Westminster.
A. R.
3

Writs are issued to the Prelates, as usual, to the Duke of Buckingham, Marquis of Dorset, 9 Earls, 26 Barons, (Chivalers) to the Chief Justice and 9 others, Judges, &c.

(*t*) Rolls, 19 H. 7, where the year is 1503. The Statutes say, Parliament met on the 16 d. Jan. Bacon. The Parl. Hist. II., 444, makes the year 1505.

(*u*) See the Authorities, Parl. Hist. III., pp. 1, 9. Dugdale. Hume. It is to be understood in the preceding Parliaments, as well as in those which follow, that the Commons were summoned as they had heretofore been, though the Writs to the Sheriffs, if extant, have not been published.

The Journals of the House of Lords commence with this Reign, but are as yet very imperfect. To supply these deficiencies, a valuable addition is prefixed, in the Rolls of the Parliaments of the years 4, 5, 14, 15, 21, 22, 23, 24, 25, 27, Hen. 8, and the first of

William, Archbishop of Canterbury, Chancellor, opens the Session in the Painted Chamber. Receivers and Tryers are appointed.

Feb. 5. The Commons present Robert Sheffield, Knight.

Feb. 18. The Lord Chancellor opens to the Bishops and Lords in an especial manner the causes of calling this Parliament, namely, an intended War with France. Afterwards, the Lord Chancellor with the Treasurer and other Peers, goes down to the lower House and acquaints the Commons with these Matters. The Commons vote a large Supply.

March 30. Parliament is prorogued to *Nov. 4*, (A. R. 4,) when a further Grant is made. 1512.

Dec. 20. The Parliament is again prorogued to

A. R.

3

Jan. 23, (v) and thence to *Nov. 7*, A. R. 5. 1513.

Feb. 5. (Monday.) A Parliament meets at Westminster. 1515.
A. R. 6

Writs issue to all the Prelates, the Dukes of Buckingham and Suffolk, the Marquis of Dorset, 9 Earls, 26 Barons, (Chivalers,) the Chief Justice, and 9 others.

The Archbishop of Canterbury, Chancellor, opens the Session in the Painted Chamber of the Palace.

Receivers and Tryers are appointed.

Feb. 6. The Commons present their Speaker, Thomas Nevile, Esq., who, after the usual forms, is allowed.

The names of all the Lords, Spiritual and Temporal, then present, are entered on the Journals, to the number of 91; a practice observed daily.

Feb. 10. The Chancellor, with other Peers, goes down to the Commons' House, and declares more particularly the cause of meeting, exhorting them diligently to consider the King's necessary expences.

Feb. 14. A Committee of the Lords is appointed to consult with the Lower House on the state of affairs.

April 5. (Thursday, 60th day of Parliament.) A Subsidy is granted, and the Parliament is prorogued. (w)

Nov. 12. Writs for this prorogued meeting are issued to all the Prelates, to 3 Dukes, the Marquis of Dorset, 10 Earls, 27 Barons (Chivalers). A. R. 7

Several Proxies are allowed, as usual, for absent Lords.

Queen Mary. The Parliaments recorded in the Journals are those of the years 1, 3, 6, 7, 25, 28, 31, 33, 34, 35, 37, 38, and to these no further reference will be made in the notes. The authorities quoted confirm, or extend, the Record. Fragments of the Lords' Journals, which do not occur in the printed Collection, have been found in the British Museum, and are appended to the Report on the Claim to the Barony of L'Isle, &c., 1829, viz., of the 2d and 3d March, 3 Henry 8, 1512; 4th and 5th February, 27 Henry 8, 1536; together with Notes of Proceedings from the 6th to the 26th of that month.

A Copy of Garter's Roll of the Peers present in the Parliament holden at Westminster, the liij. day of February, the thirde yere of oure Sovereigne Lord Kyng Henry the vij., is in the Ashmolean Library. Vide Gentleman's Magazine, Vol. 192, pt. 2., p. 200.

(v) Dugdale. Stowe. Hume. Parl. H. III., 14. The adjournment to Jan. 23, is on the authority of Lord Herbert.

Garter King of Arms' Original Roll of the Peers in Parliament, in the 5th Henry 8, is preserved in the College of Arms.

Garter's Original Roll of Peers, in the Parliament held at Westminster, 5th February, 6 Henry 8, has been published by Thomas Willement, Esq., F.S.A., &c., 1829.

(w) Dugdale. P. H. III., 16, which calls the next Meeting a Prorogation, on the authority of the Lord's Journals, though the Writ of Summons in Dugdale indicates a new Parliament. Lord Herbert, in mentioning the Statutes made this Session, says, "And because divers being weary with sitting so long in Parliament did depart home, without license, they only remaining who factiously combined themselves, with inten-

The Lord Chancellor opens the Session, and adjourns to the next day.

Nov. 15. A Bill relating to the Service due to the King by those who held Lands in Fee, or Annuities from the Crown, is passed by the Lords, and sent down to the Commons, who (probably) throw it out, as it does not pass into a Statute.

Dec. 20. "Being Thursday in the afternoon and the Vigil of St. Thomas," it is ordered, "That every Lord, then absent, shall pay Ten Pounds."

Dec. 21. A Bill is brought into the House of Lords, concerning a Subsidy to be granted to the King, and by the Lord Chancellor is carried to the Commons.

Dec. 22. (Saturday, 41st day of Parliament.) A Bill for a general Pardon, with 9 exceptions, is passed, and the Lord Chancellor sending for the Commons, thanks them in the King's name, and dissolves the Parliament. (x)

1523.

A. R.
14

April 15. (Wednesday.) A Parliament is held "in Camera Magna infra Domum Fratrum Prædicatorum in Civ. London," (the Black Fryers.)

Writs of Summons are issued to 2 Dukes, 7 Earls, 1 Viscount, the Prior of St. John of Jerusalem, and to 18 Barons (Chivalers.)

Dr. Tunstal, Bishop of London, Lord Chancellor, opens the Session in the Parliament Chamber. Receivers and Tryers are appointed.

April 18. (Saturday, 4th day) The Commons present Thomas More, Knight, as their Speaker, who, after the usual excuse and Protestation, is admitted.

Cardinal Wolsey, Prime Minister, demands a Supply, and to hasten it, goes in State to the Lower House; but is informed by the Speaker, that his coming thither was neither expedient nor agreeable to the ancient Liberties of that House. After much debate, the Commons, by Assent of the Lords Spiritual and Temporal, make a Grant.

A. R.
15

May 21. The Parliament is adjourned to June 10.

In this interval the Cardinal, by his Power Legantine, dissolves the Convocation at St. Paul's, called by the Archbishop of Canterbury, and summons him and all his Clergy, to his Convocation, at Westminster, (an act never before done in England.)

June 22. On a motion for an increased Supply, doubt arising whether the Yeas or Noes had it, the House divides, the Citizens and Burgesses by themselves, and the Knights on the other side.

tion to gain the major part of voices in anything they desired to obtain, it was ordered that they should lose their wages, if they went without the leave of the Speaker and Common House, to be entered in the Book of the Clerk of Parliament." The Act 6 H. 8, c. 6, Stat. III., 124, says, "Knights, Citizens, and Burgesses shall not depart from Parliament until the Session be ended, without license of the Speaker under pain of forfeiture of their wages." The Editors of the P. H. III., 21, observe upon this, "The Wages were levied by the Sheriffs, and the most ancient writs for Knights Wages extant are the 28, 29 and 32 Edw. 1. The first Statute concerning them is 12th Rich. 2. 'That the levying of the Knights' Expences shall be as hath been used before this time.' In the time of Edw. 4, the Wages were 4s. per diem for Knights of the Shire, and 2s., at least, for Burgesses; besides the charges of going and coming, Fees for Writs, &c."

Andrew Marvel, M. P. for Hull, in the reign of Queen Anne, is said to have been the last person who received these Wages.

(x) Dugdale. Stowe. P. H. III., 22. According to the Statutes and Dugdale, no Parliament occurred for 7 years, a fact confirmed also by the Rolls, which pass from the year 5 Hen. 8, to 14.

The former affirm that the Motioners are enemies to the Realm. The Speaker calls them together, and it is at length agreed to grant the required Supplies.

The King being informed of the proceedings, threatens to behead a Member for his opposition. On the next day the Bill passes.

July 29, (Wednesday, 116th day.) The Plague raging more and more, especially about the King's Palace, at Bridewell, the Parliament is prorogued to the Friday following, (31st), at Westminster.

Aug. 13. (Thursday, 130th day.) "In Camera Parliamenti infra Palatium Westm., at 9 p. m., the Chancellor *dissolves* the Parliament. (y)

..... A great Council is held at Yorke Place, (z) 1525.
Nov. 3. (Morrow of All Souls.) A Parliament is ^{A. N.} 17
 summoned to London, "apud Fratres Prædicatores," 1529.
 and then, on account of the Plague, adjourned to Nov. ^{A. N.} 21
 4, at Westminster.

Writs are addressed to all the Prelates, to the Dukes of Richmond and Somerset, the Dukes of Norfolk and Suffolk, 2 Marquisses, 9 Earls, 3 Viscounts, 27 Barons (Chivalers), to the Chief Justice and 8 others.

Sir Thomas More, Lord Chancellor, opens the Session.

Addressing the Commons, he says, "That because they were a great number, and could not speak all at one time, the King's pleasure was, that they should resort to their own House, and there amongst themselves, according to ancient custom, choose an able person to be their Common Mouth and Speaker, &c."

Nov. 6. They present to the King, Thomas Audley, Esq., as Prolocutor, who, after the customary excuse and protestation, is admitted.

Articles are exhibited against Cardinal Wolsey; and Bills are brought in for reforming the Abuses of the Clergy. (a)

July 30. An adjourned Session is held.

A Letter concerning the Abuses of the Church, is drawn up and addressed to the Pope. It is subscribed by the 2 Archbishops, 2 Dukes, 2 Marquisses, 13 Earls, 4 Bishops, 25 Barons, 22 Abbots, 11 Knights and Doctors in Parliament.

The Parliament is adjourned.

Jan. 16. The Parliament re-assembles.

A Debate takes place on the King's Pardon for all Spiritual Persons concerned with the late Cardinal.

March 30. The Chancellor and a Committee of 12, communicate to the Commons the Proceedings on the Divorce.

Many Laws are made. (b)

(y) Dugdale. Hume. Stowe. Baker, and the Authorities, P. H. III., 27—35.

On the 27th of April, Sir Arthur Plantagenet was created Viscount L'Isle; Sir Maurice Berkeley, Lord Berkeley; Sir William Sandys, Lord Sandys; and Sir Nicholas Vaux, Lord Vaux: "the solemnity of their creation being at the King's Royal Palace of Bridewell." Stowe. See also the Cases and Proceedings on the Claim to the Barony of Vaux in 1836.

(z) Stowe.

(a) Dugdale. Hume. Stowe. P. H. III., 40, 55, which says, this Parliament, was prorogued to July 30. The Rolls and Lords' Journals contain no such Prorogation.

(b) P. H. III., 79. Also Stowe. Hume.

No Parliamentary Pawns or Writs of Summons between the 22d and 28th Henry 8 are preserved, and the earliest entry on the Lords' Journals after the 7th Henry 8, is on 15th January, 2d Henry 8, 1534.

1532.

A. R.

23

Jan. 15. The same Parliament re-assembles, for the 4th time. After long Debates on the Exactions of the Clergy in their Ecclesiastical Courts, it is resolved that these grievances shall be put in writing and presented to the King.

March 18. The Speaker, accompanied by divers Knights of the Shire and Burgesses, goes into the King's presence and declares how the Laity are oppressed by the Prelates and their Ordinaries, and delivers in a Schedule of their Grievances, in writing. He further beseeches the King to consider the fatigue, charge and cost, his humble Subjects of the lower House have sustained since the beginning of this Parliament, and that it may please his Majesty out of his princely benignity to dissolve the Parliament, that his Subjects may retire home to their own Countries. The King replies, "If they expect any benefit in their Complaints, they must stay the time, or depart without a remedy."

1532.

The Parliament, on occasion of Easter, (March 31), is prorogued to April 10, when it re-assembles.

Several Acts are passed.

In consequence of the Plague breaking out at Westminster, the Parliament is prorogued.

1533.

A. R.

24

Feb. 4. The Parliament re-assembles, and continues to May 15. (c)

Several Statutes are made.

1534.

A. R.

25

Jan. 15. (Thursday.) A Parliament is held (by prorogation) at Westminster.

Writs are directed to all the Prelates, to 3 Dukes, 2 Marquisses, 11 Earls, 1 Viscount, 33 Barons (Chivalers.)

The first day is taken up in reading appointments of Proxies for the absent Lords. After which the Chancellor adjourns the Parliament to Saturday, the 17th, then to Monday, 19th Jan.

Thirty Four Acts are passed. One of which ordains that *all Convocations shall be henceforth called by the King's Writ*, "That no Canons, Constitutions or Ordinances shall be made or put in execution within this Realm by authority of the Convocation of the Clergy, which shall be contrariant or repugnant to the King's Prerogative Royal, or the Customs, Laws or Statutes of the Realm." And that seeing the time of this Parliament is too short, the King shall appoint thirty-two persons to survey the Canons and Constitutions, which may be prejudicial to the King's Prerogative, contrary to the Statutes of the Realm, and enormous to the People, for the Confirmation, or Abolition of the same.

An Act also passes for establishing the succession of the Crown.

March 30, (Monday, 75th day of Parliament.) Sir Thomas Audley, Knight, Lord Chancellor, commands the attendance of all the Lords Spiritual and Temporal, in their Parliament Robes, together with the Members of the House of Commons, at 2 o'clock, p. m., when being seated according to their ranks, Sir Humphrey Wingfield, Knight, Speaker, presents the Bills for the Royal Assent. The Chancellor returns an answer, and thanking both Houses, prorogues the Parliament to Nov 3, following, when, without further notice, all are commanded to attend. (d)

(c) These various Meetings and Adjournments are noticed in the P. H. III., 84 to 92, where, however, some confusion is admitted. The Meeting of Feb. 4, occurs in Stowe and Hume, but the Authors of the P. Hist., mentioning the same, make it follow one of April, 1533, A. R. 24, which was, no doubt, the same Parliament.

(d) Dugdale's Summonses, 1533. Parl. Hist. III., 26. Stowe does not consider it a Prorogued Parliament. Baker places it anno 26.

Nov. 3. The Parliament re-assembles.

1534.

Many Acts are passed. (e)

A. R.

Feb. 4. The Parliament, after a long prorogation, re-assembles.

26

Many Acts are passed, particularly that for the Suppression of the lesser Monasteries.

1536.

This Parliament, of Six Years, is dissolved April 4. (f)

A. R.

27

June 8. A Parliament is held at Westminster.

A. R.

28

Writs are addressed to all the Prelates, to 3 Dukes, 2 Marquises, 13 Earls, 1 Viscount, 32 Barons (Chivalers.)

The King being on his Throne, and the Lords and Commons attending, Sir Thomas Audley, Knight, Lord Chancellor, opens the Cause of Summons. The Commons are ordered to withdraw to choose a Speaker. Receivers and Tryers of Petitions are appointed.

June 9. (Saturday.) The Chancellor acquaints the King and Lords, that the Commons beg a longer time to elect a Speaker. The House of Lords is, accordingly, by the King, adjourned to Monday.

June 11. (Monday.) The Commons present Robert Rich, Esq., as Speaker, who excuses himself, and makes the usual Protestation for Liberty of Speech, &c. He is answered, and accepted.

An Act passes for the succession, declaring the Issue of Queens Catherine and Ann, illegitimate, and legalizing that of Lady Jane Seymour.

An Act also passes for utterly abolishing the Papal Power.

Further Proceedings are also taken against the Clergy, especially as to Non-Residence.

It is also enacted, "That whatsoever Acts were made before the King's Successors were twenty-four years of age, they might, at any time of their lives after, repeal and annul by their Letters Patents, which should have equal force with a Repeal by Act of Parliament.

July 13. The King passes the Bills which are ready for the Royal Assent. The Speaker makes an Oration, to which the Chancellor replies, and then dissolves the Parliament. (g)

The Statutes give only 22 Acts as passed, the Lords Journals 34. For the Act "For the Submission of the Clergy to the King's Majesty," see Stat. 111., 460, 25 H. 8, c. 19.

(e) This date is from the Statute Books, the Lords' Journals, Hall and Lord Herbert. "According to the Preamble of the Statutes, says the Parl. Hist. 111. 113, this Session continued to Dec. 15; which is scarcely probable, as they met once more by prorogation on the 4th Feb., of the next year." But the Statutes make no mention of the Termination of the Session.

(f) Bishop Burnet calls this a Prorogation of 14 months. Parl. H. 111. 114. Hume and Baker gives this date, 4 Feb. Stowe, the 28th Feb. Hume says the Parliament was dissolved April 14, after it had continued by prorogations for six years. The P. H. says April 4. Neither gives the Authority.

(g) Dugdale. Stowe. Baker. Hume. P. H. 111. 118, which from Dugdale and the Fed. Angl., T. XIV, p. 565, gives the Writs as well to the Lords Spiritual and Temporal as to the High Sheriffs, Mayors, Bailiffs and Burgesses. It also cites the Journals, which here recommence.

The Priors of Coventry and St. John of Jerusalem had been summoned to the previous Parliaments of Henry, and attended this. The last day they were ever present in Parliament, was Thursday, the 18th July, 1536, 25 H. 8. That some delicacy was exhibited towards this latter Dignitary, appears from the excuse made on account of illness, and the appointment of a Proxy for the Parliament commencing April 28, 1539. Lords' Journals I. 101.

The short restoration of the Prior of St. John under Philip and Mary, which took place with that of the Abbot of Westminster, a. 4 and 5, Thursday, the 20th Jan., 1556, and which, as regarded the Prior, terminated on March 3, 1558, a. 1 Eliz., is scarcely to be deemed an exception to the general fact.

1539. *April 28. (Monday.)* A Parliament is held at Westminster.
A. R. 31

Writs are directed to the Archbishops, 18 Bishops, (with the Clause), and to 19 Abbots; also to Thomas Audley, Chancellor, the Duke of Norfolk, Treasurer, the Duke of Suffolk, Seneschal, "Hospitii Regis," the Marquis of Dorset, to 15 Earls, 1 Viscount (Lisle), 27 Barons (Chivalers.)

After the solemn Ceremony of Mass, (as customary), the King, with his Nobles, proceeds to the Parliament Chamber, when the Lord Chancellor declares the Causes of assembling.

Receivers and Tryers are appointed.

Mr. Nicholas Hare is chosen Speaker, and is Knighted.

The meeting is adjourned to Saturday, the 3d of May, at 9, a. m.

May 5. A Committee is appointed "to pluck up and extirpate the diversities of opinions concerning the Christian Religion in this Kingdom."

A Bill is also brought in, for the appointment of Seats and Places in that Assembly, for the King's Chief Officers, viz., the King's Vicar General in Spiritualities, the Lord Chancellor, Lord Treasurer and others; that from thenceforth there might be no more dispute about them.

In the case of certain Attainders and Executions, in which the accused Parties are not brought to trial, and which met great opposition in Parliament, the Judges give an opinion "That it is a new and dangerous Question; That Equity, Justice and all sorts of Laws require that the accused be heard; That, however, the Parliament being the Supreme Court of the Realm, from which there could be no Appeal, the validity of their Sentences, of what nature soever they were, cannot be questioned."

May 13. The Lord Chancellor, Audley, brings in the Bill for the total Suppression of Monasteries.

May 23. Parliament is prorogued to Friday, 30th May; when it re-assembles. (17th day.)

June 7. The Bill (called "the Bloody," or "the Lash with Six Strings,") for the uniformity of Belief, is brought in, and passes, June 16.

June 28. (Saturday, 40th day of Parliament and 24th after Prorogation.) The Lord Chancellor prorogues the Parliament to Nov. 3. (h)

Nov. 3. (Monday, 41st day of Parliament.) The Parliament meets, but is prorogued, by Commissioners, to Jan. 14.

1540. *Jan. 14 (Wednesday.)* A further Prorogation takes place to April 12. (i)
A. R. 31

April 12. (43d day.) The Parliament meets in the Parliament Chamber, in the Old Palace, Westminster.

The Lord Chancellor opens the Session.

(1) Dugdale describes the Ceremony and Solemnities at length. The F. H. 111. 135, gives the order of Procession from the same, and from the Journals, which in some respects differ. Stowe and Hume call the year, 1538. Baker brings this Session to July, and omits the prorogued meeting.

The last day the Abbots sat in Parliament was Saturday the 28th of June, 1539. Journals of Lords I. 124. The Abbot of Westminster was indeed a solitary instance of re-election under Queen Mary, but he sat no longer than Monday the 8th of May, 1559, in the reign of Elizabeth. J. of L. I., 378.

The Statutes 111., 726. 31 H. 8., c. x., give the Act for placing the Lords in Parliament; & c. viii., That the King's Proclamations shall have the force of Acts of Parliament.

(c) Parl. Hist. III., 185, 157.

May 8. A Subsidy is granted.

A. R.
82

May 11. (*Tuesday*, 16th of Session, and 58th of Parliament.) The Speaker, Sir Nicholas Hare, with the Members, comes up to the House of Lords, when the Chancellor prorogues the Meeting to *May 25*, when the Parliament re-assembles.

The Act of Attainder of Thomas, Lord Cromwell, the Divorce of the King, and 70 Acts are passed.

July 24. (59th of the Session, and 100th of Parliament.) The King comes to the House of Lords, with the usual ceremony, in order to pass the Bills, and *put an end* to the Parliament. The Speaker of the Commons addresses an Oration to the King on the Throne. (*k*)

Jan. 16. (*Monday*.) A Parliament is held at Westminster. 1542.
A. R.
33

Writs are issued to the Prelates, as usual, to Thomas Audley, Chancellor, the Dukes of Norfolk and Suffolk, Marquis of Dorset, 14 Earls, one Viscount, 26 Barons, (Chivalers,) the Judges, Serjeants-at Law, the King's Solicitor and Attorney, the Master of the Rolls, and to the Sheriffs, and others.

The Chancellor opens the Session.

Receivers and Tryers are appointed.

Jan. 20. (*Friday*.) The Commons present their Speaker, Thomas Moyle, Esq., who is confirmed.

Proceedings take place on the Attainder of Queen Catherine.

Feb. 4. (*Saturday*.) Parliament is prorogued to Tuesday, 14th. Many Acts are passed.

April 1. Parliament is prorogued to Nov. 3.

A Member of the House of Commons having been arrested for debt, whilst the House was sitting, the King not only permits the Commons to release him, but punishes the Offenders. The two Sheriffs of London are committed to the Tower, one of the Bailiffs to a place called "Little Ease," and the rest to Newgate.

Nov. 3. (*Friday*.) Parliament is adjourned to Jan. 22.

A. R.

Jan. 22. (*Monday*.) Parliament meets. (Second Session.)

34

Many Statutes are made, and a Subsidy granted.

1543.

May 2. A Bill for making Knights and Burgesses in the County and City of Chester passes into an Act.

A. R.

34

May 12. (*Saturday*.) The King comes to the House of Lords, and prorogues the Parliament to Nov. 3.

A. R.

35

Nov. 3. Parliament is again prorogued to Jan. 14.

Jan. 14. (*Monday*.) (Third Session.) A Parliament meets, by Writs issued to all the Prelates, the Chancellor, 2 Dukes, Marquis of Dorset, 14 Earls, one Viscount, 27 Barons.

1544.

A. R.

35

Feb. 5. A Conference is held at eight o'clock, A. M., between a Committee of 12 Lords, and as many of the Commons, who, the next day, send up a Bill for altering the King's Stile. It is ordained, that the Stile of "King of England, France, and Ireland, Defender of the Faith; and of the Church of England, and also of Ireland, in Earth, the Supreme Head," shall be united and annexed for ever unto the Imperial Crown of this Realm of England.

Feb. 7. An Act passes for settling the succession. Many other public and private Acts pass.

(*k*) P. II. III., 157-172.

Garret's Original Roll of the Peers in this Parliament is preserved in the College of Arms.

March 29. The Parliament is dissolved by Commission. (i)

1545.

A. R.

36

Jan. 30. A Parliament meets at Westminster.

Writs are issued to Thomas Wriothesley, Miles, Dominus de Wriothesley, Chancellor, to the Duke of Norfolk, Treasurer, the Duke of Suffolk, "Magno Magistro Hospitii Regis, et Præsidi Consilii," to the Marquis of Dorset, 13 Earls, (including the Great Chamberlain of England,) one Viscount, (High Admiral,) 27 Barons, Chivalers, (including the Keeper of the Privy Seal. (m)

A. R.

37

Nov. 23. (Monday.) A Parliament assembles at Westminster.

Writs are directed as to the last, omitting the Duke of Suffolk, and including only 25 Barons. (n)

Receivers and Trvers of Petitions are appointed.

Dec. 14. A Subsidy is granted; and, Dec. 15. a Bill is passed by both Houses, for the Dissolution of all Colleges, Chantries, Hospitals, Free Chapels, &c.

Many Acts are passed.

Dec. 24. The King passes the Bills, and prorogues the Parliament to Nov. 4.

1546.

A. R.

38

Nov. 4. The Parliament is again prorogued to Jan. 14.

Jan. 14. (Friday.) A Parliament meets at Westminster.

Writs are sent to the Lord Chancellor, the Marquis of Dorset, 13 Earls, one Viscount, 24 Barons, (Chivalers).

The Duke of Norfolk, and his Son, Earl of Surrey, are attainted.

Jan. 31. (Monday.) The Lord Chancellor declares to both Houses, the King's death, which happened "primo mane" on Friday, the 28th, and that the Parliament is dissolved. (o)

(i) Dugdale. Stowe. Baker. Hume. P. H. III., 173, which cites Rymer's Fœd. T. XIV., 737. See, in the P. H., all the proceedings relating to this case of Privilege, and the King's Speech thereon. The affair is said to have occupied a fortnight. See also the Proceedings of the Privy Council, 1st April, 1542, Vol. VII., p. 332.

Two Members of the House of Commons having brought a malicious accusation against the President of the Council of Wales, were committed to the Fleet; but they claimed the Privilege of the House, and the Privy Council ordered them to be set at large, upon their bonds to appear before the Council once a week during Parliament, and from time to time afterwards. Proceedings and Ordinances of the Privy Council, 16th February, 33 Henry 8, 1542, Vol. VII. p. 365.

The adjournment from May 12, 1543, to the following Nov. 3, is taken from the P. H., p. 150, but the Writ, in Dugdale, for June 14, a. s. 25, shows that some error is admitted here, which it is not easy to correct. It is, however, also impossible to reconcile Dugdale's account, which states the 14th June to have happened on Monday. The Dominical Letter of 1543 is G. The Mondays, therefore, would be the 11th and 18th. Neither does the necessary Letter C, occur otherwise than in 1540 and 1546. The only correspondence as to the year and day can be obtained by supposing that the 14th Jan., 1544, is meant, on which day, according to the P. H. from the Journals, a Parliament met, which is also noticed by Hume and others.

The Act for the Submission of the Clergy in Convocation of 8 H. 6, c. 1, and 25 H. 8, c. 19, is made more explicit for the examination and Reformation of the Canon Law, 35 H. 8, c. 16.

By an Act passed, 33 H. 8, c. 20, Attainder at Common Law is declared of equal force with Attainder by Parliament. Stat. III., 157.

By another Act, 34-35 H. 8, c. 13, Knights and Burgesses are to have places in the Parliament for the County Palatine and City of Chester. Stat. III., 911.

(m) Dugdale. The P. H. and Historians take no notice of this Session.

(n) Dugdale. Stowe. Baker. Hume. P. H. III. 202-205.

(o) Dugdale. Baker. Hume. P. H. III., 210.

EDWARD VI.

(Jan. 28, 1547.)

Nov. 4. (Friday.) A Parliament is held at Westminster. (I. First Session.)

1547.

A. R.

1

Writs are directed to William Paulet, "Militi," Domino St. John, "Magno Magistro Hospitii Regis, ac Præsidi Consilii, neenon Custodi Magni Sigilli," to the King's Uncle, Edward, Duke of Somerset, "Gubernator Personæ Regis, ac Regnorum et Dominiorum nostrorum quorumcunque Protectori," to the Marquisses Dorset and Northampton, to the Earls of Arundel, Oxford, Derby, Huntingdon, Sussex, Shrewsbury, Worcester, Westmoreland, Bath, Warwick, (Magno Camerario Angliæ.) Southampton, Bridgewater, to the Barons, John Russell, Domino Russell, Keeper Privy Seal, Tuchet de Audley, West de la Warr, Parker de Morley, Devereux de Ferrers, Dacre de Dacre, Domino Souche, Scrope de Bolton, Stourton de Stourton, Nevill de Latimer, Broke de Cobham, Domino Sandes, Domino Conyers, Grey de Powes, Grey de Wilton, Stanley de Montegle, Domino Vaux, Domino Wyndsore, Wentworth, Borough, Mordaunt, Clynton, Domino Seymour de Sudley, (Magno Admirallo Angliæ.) Domino Parr de Horton, Domino Cromwell, Wharton, Evers, Domino Willoughby de Parham, Domino Riche, Sheffield, Domino Sheffield, Domino Bray, Chivalers.

The King, sitting in the Parliament Chamber, with the Lords on both sides, and the Commons below the Bar, commands the Clerk of Parliament to read the Commission, appointing the Protector's Seat in Parliament.

Lord Rich, Lord Chancellor, opens the Session.

Sir John Baker, Knight, is Speaker of the Commons.

Nov. 10. The Statute of Prerogative, 28 Henry 8, is repealed.

Numerous important Bills are passed.

Dec. 24. The Lord Protector gives assent to the Bills, and the Lord Chancellor prorogues the Parliament to April 20, next ensuing. (p)

April 20. Parliament meets, but, on account of the War with Scotland, is again prorogued to Oct. 15.

1548.

A. R.

2

Oct. 15. It is again prorogued to Nov. 24, on account of the "Plague," (the Sweating Sickness), to

Nov. 24. (Saturday.) (Second Session.) The Parliament meets at Westminster. Writs are directed to Richard Riche, Chivaler, Chancellor, 2 Marquisses, 13 Earls, 27 Barons.

Dec. 21. The Chancellor adjourns the House to Jan. 2, the Morrow of the Circumcision.

Jan. 2. The Parliament meets again.

1549.

A. R.

2

Jan. 15. An Act is passed for Uniformity of Religion, for allowing Priests to marry; and for better supporting the Parochial Clergy, besides other Acts to the number of 60, public and private.

(p) Dugdale. P. H. 111., 216 and seq. With this Reign commence the Journals of the Commons, which place the beginning of the Parliament on Tuesday, Nov. 8.

March 12. A Subsidy is granted, and on Thursday, 14th, a Bill for a general pardon passes, and the Parliament is prorogued to Nov. 4. (q)

A. R. 3
1550. *Nov. 4. (Monday.)* The Parliament re-assembles, (third Session), and continues to sit every day during the Holidays, excepting Christmas Day. Many Acts are passed.

Jan. 2. Proceedings are taken against the Protector, Duke of Somerset.

A. R. 4
Feb. 1. (Saturday.) The King comes to the House, and after giving assent to the Bills, prorogues the Parliament to April 21, next following.

After a debate in the Commons House, it is carried that "Sir Francis Russel, being by the death of his elder Brother, Heir apparent to the Lord Russel, shall still abide in the House as he was before." (r)

1551. *April 21.* The Parliament is again prorogued to Oct. 10, and from that day, to Jan. 20, (1551), and again to March 2. It is further prorogued to Oct. 13, and again to Jan. 23.

1552. *Jan. 23. (Saturday.)* The fourth Session of the First Parliament, commences at Westminster.

A. R. 5
Writs are issued to the Bishop of Ely, Chancellor, to the Duke of Northumberland, President of the Council, the Duke of Suffolk, Marquis of Winchester, Treasurer, Marquis of Northampton, Great Chamberlain, 12 Earls, 1 Viscount, J. Russell, Keeper of the Privy Seal, and 29 Barons (Chivalers.)

Many Acts are passed relating to the Clergy, and religious Observances, for the Relief of the Poor, &c.

Feb. 22. It is ordered in the Commons, "That if any Burgess requires Privilege for him or his servant, he shall, upon declaration, have a warrant, signed by Mr. Speaker, to obtain the Writ; and for that Wm. Ward, Burgess of Lancaster, obtained a Writ of Privilege out of the Chancery, without a Warrant from this House, it is committed to Mr. Mason and others, to examine and certify, &c.

March 18. It is ordered that Hugh Fludde, Servant to Sir A. Wyngefyld, shall have Privilege; but on the 28th, on supplication of Gurdon, he is set without the Privilege, and the Sergeant is directed to deliver him Prisoner to the Sheriff of London. On the dissolution, he is ordered to remain a Prisoner in the Counter until he have satisfied or agreed with Gurdon.

The Duke of Somerset is again attainted, and is beheaded.

A. R. 6
April 15. (Friday.) After 5 years, the Parliament is dissolved by a Commission from the King, then ill "of the Measles and Small Pox." (s)

(q) Dugdale. P. H. III., 233-248. The adjournments to Jan. 2, were made in the absence of the Lord Chancellor, by the Lord Protector, and one, by the Lord Keeper, without any recorded Commission from the King.

(r) P. Hist., III., 248. It is said of this Session, that on the 21st of June, the Resolution of the Commons was adopted as to the eldest sons of Peers, who before were not allowed to be members of that House. But this must be an error as to date.

From the Reign of Edward 4, if not earlier, the eldest Sons of Peers were occasionally summoned to the Upper House, in their Fathers' Baronies.

(s) Dugdale. P. H. III., 253-254. The Journals of the Lords give this 23d Jan., 1551-2, as A. R. 6. The Commons, A. R. 5.

Dugdale concludes the Parliament commenced on Sat. Jan. 23, 1552, thus—"Dissolutum fuit hoc Parl. 15 d. Aprilis, anno Regni Reg. Edw. 6, Sexto." He then gives the "Parl. inchoatum apud Westm. primo die Martii A. R. 6, Sexto," which must evidently be an error for "Septimo." But he gives also, "Parlamentum inchoatum apud Westm. decimo octavo die Septembris, A. R. 6, Septimo." As the King died July A. R. 7, no such Parliament can have taken place.

March 1. (Wednesday.) A Parliament meets at Westminster. 1553.
A. R.
7

Writs are issued to the Marquis of Winchester, Treasurer, 2 Dukes, 1 Marquis, 14 Earls, 1 Viscount, 31 Barons (Chivalers et Domini.)

Letters are addressed to every Sheriff to the following effect, "We have thought it meet for the furtherance of such Causes as are to be propounded to the said Parliament, for the common weal of our Realm, that in the Election of such persons as shall be sent to the Parliament, either from our Counties as Knights of Shires, or from our Cities and Boroughs, there be good regard had, that the Choice be made of *men of gravity and knowledge in their own Countries and Towns, fit, for their understandings and qualities, to be of such a great Council.* And therefore, since some part of the proceedings herein shall rest in you, by virtue of your office, we do for the great desire we have, that this our Parliament may be assembled with Personages out of every County, of *wisdom and experience*, at this present, will and command you that ye shall give notice, as well to the Freeholders of your County, as to the Citizens and Burgesses of any City or Borough, which shall have any of our Writs by your direction, for the Election of Citizens and Burgesses, that our pleasure and commandment is, that *they shall choose and appoint (as nigh as they possibly may) men of knowledge and experience*, within the Counties, Cities and Boroughs; so as by the Assembly of such, we may, by God's goodness, provide (through the knowledge and advice of the said Parliament) for the redress in the lacks of our Commonweal more effectually than heretofore hath been. And yet, nevertheless, our pleasure is, that where our Privy Council, or any of them within their Jurisdictions, in our behalf, *shall recommend men of learning and wisdom*; in such case, their directions shall be regarded and followed, as tending to the same which we desire, that is, to have this Assembly of the *most chieftest men of our Realm, for advice and good Council.*"

The Sheriffs of Hampshire, Suffolk, Bedfordshire, Surrey, Cambridgeshire, Berks, Oxfordshire and Northamptonshire, are then desired to return certain individuals, whom the King recommends by name.

The Parliament assembles in White Hall; the Lords Spiritual and Temporal in their Robes. A Sermon is preached, in the King's Chapel, by the Bishop of London; and his Majesty, with divers Lords, receives the Communion. The King, with the Lords, then goes into the King's Great Chamber, where the Bishop of Ely, Lord Chancellor, opens the Session.

March 2. The Commons present James Diar, Esq., as their Speaker.

March 4. (Saturday.) At two, p. m., the Speaker makes his Speech before the King, at the Waiting Chamber in the Palace.

Many Acts are passed; and a Bill for a Subsidy having, after great debates, in the Commons, been sent up to the Lords on the 13th, is by them passed, March 17.

The Bishopric of Durham is suppressed, and divided into two Bishoprics.

March 31. (Friday.) The Parliament is dissolved.

MARY.

(July 6, 1553.)

1553. *October 5. (Thursday.)* A Parliament meets, in the
A. R. Parliament Chamber, at Westminster.

Writs are addressed to the Marquis of Winchester, Treasurer, the Duke of Norfolk, the Earls of Arundel, Bedford, Derby, Sussex, Shrewsbury, Rutland, Huntingdon, Oxford, Worcester, Cumberland, Westmoreland, Bath, Pembroke, Devon, the Viscount Hereford, Thomas West de la Warre, Chivaler, Broke de Cobham, Chivaler, Nevill de Latymer, Chivaler, Zouche Domino Zouche, Parker Domino Morley, Chivaler, Riche Domino Riche, Chivaler, Willoughby Domino Willoughby, Chivaler, Domino Evers, Chivaler, Domino Darcy, Chivaler, Domino Wharton, Chivaler, Domino Bergavenny, Domino Sandys, Domino Mordaunt, Chivaler, Domino Ogle, Domino Burghe, Domino Bray, Domino Vaux de Harroden, Domino Wyndesore, Chivaler, Grey de Wilton, Chivaler, Sturton de Sturton, Chivaler, Dacres de Gillesland, Chivaler, Stanley de Montegle, Chivaler, Tuchet de Audley, Chivaler, Fenys Domino Clynton, High-Admiral of England, Darcy de Chiche, Chivaler, Domino Paget de Beaudebert, Chivaler, Domino Wentworth, Chivaler, Domino Conyers, Domino Stafford, Lumley de Lumley, Chivaler, Domino Talbot, Domino Fitzwauter.

A Solemn Mass of the Holy Ghost is sung in Westminster Church, according to ancient custom. The Assembly then adjourns to the Parliament House.

The Bishop of Winchester, Lord Chancellor, opens the Parliament.

John Pollard, Esq., is elected Speaker.

Oct. 6. Dr. Nowel being returned a Member for Looe, in Cornwall, and being also a Prebendary of Westminster, it is debated whether he shall sit in that House. A Committee reports the Precedents, and it is resolved, *That being represented in the Convocation*, he cannot be a Member of that House. He is expelled accordingly.

Among other Acts, one is passed declaring the Queen's Legitimacy.

Oct. 21. (Saturday.) The Parliament is prorogued to Oct. 24.

All Acts in favour of the Reformation are repealed after a Debate of Six Days. Acts of Attainder are reversed, and others confirmed.

Oct. 24. The Parliament is again prorogued to Dec. 5.

Dec. 5. (Tuesday.) The Queen gives assent to 31 Acts, and dissolves the Parliament. (t)

1554. *April 2. (Monday.)* A Parliament (II.) is summoned
A. R. to Oxford, but is removed, and meets at Westminster.

(t) Journals Commons. Dugdale. P. H. III., 289-300. The Rolls of Parliament which are prefixed to and supply the deficiencies in the Journals of the House of Lords, commence Henry 8, A. D. 1513, and terminate with this Parliament.

Writs issue to the Marquis of Winchester, Treasurer, the Duke of Norfolk, 13 Earls, 1 Viscount, 34 Barons.

Three days are taken up in reading Writs for appointing Proxies, and introducing new Peers.

April 5. The Bishop of Winchester, Lord Chancellor, informs the House, that by reason of the high winds and inclemency of the weather, the Queen cannot, without danger, come down to Westminster, therefore he adjourns the Parliament to Whitehall, to meet the next morning, at 9 o'clock.

April 6. The Lord Chancellor declares the Cause of Meeting. Receivers and Tryers are appointed.

The Knights, Citizens and Burgesses elect Robert Brooke, Esq., as Speaker.

An Act is passed relating to the Queen's Marriage with Philip, of Spain. Another Act, confirming the Prerogative to the *Crown*, whether in the Hands of Male or Female.

The Bishoprick of Durham is re-established.

Several other Acts are passed.

Mr. Beaumont, a Member of the House of Commons, having served a Subpœna on the Earl of Huntingdon in Parliament time, April 17, the Lords send some of the Judges to the Lower House with the Subpœna, and pray the Order of the House, for that offence. After debate, it is *Resolved*, that Eight Members of that House, shall declare to the Lords, "That they take the executing this Writ to be no breach of Privilege."

May 5. (Saturday.) The Queen gives Assent to 15 Bills, and dissolves the Parliament. (*u*)

Nov. 12. (Monday.) A Parliament is held at Westminster 1554.
Philip
and
Mary.
A. D.
1 & 2

Writs are directed to the Marquis of Winchester, Treasurer, 13 Earls, 1 Viscount, 37 Barons (Chivalers et Domini.)

Letters are addressed by the Queen to all the Sheriffs, "These shall be to will and command you, that for withstanding such Malice as the Devil worketh by his Ministers for the Maintenance of Heresies and Seditions, ye now, on our behalf, admonish such our good loving Subjects, as by order of our Writs, should, within that County, choose Knights, Citizens and Burgesses, to repair from thence to this our Parliament, to be of their Inhabitants as the Laws require, *and of the wise, grave and Catholick Sort*; such as, indeed, mean the true Honor of God, with the prosperity of the Commonwealth," &c. &c.

The Bishop of Winchester, Lord Chancellor, after the usual ceremonies, opens the Parliament.

The Commons elect Clement Higham, Esq., one of the Privy Council, to be their Speaker, who, after an excellent Oration, is accepted.

The Cardinal Pole's Attainder is reversed, and he is introduced by the Lord Chancellor.

The whole Court of Parliament draws up a Supplication, declaring their Sorrow for past Proceedings against the Pope; and all Acts against the Pope are repealed, *on condition that he will confirm their Purchases of Abbey and Chantry Lands!*

The former Acts against Heresy are revived.

Jan. 15. A Bill is sent to the Lords from the Commons, to punish absent Members of the House of Commons.

Jan. 16. (Wednesday.) The Parliament is *dissolved*.
During this Session, a Voluntary Secession takes place of several Members of the House of Commons, who leave the House, when they see the Majority inclined to sacrifice every thing to the Ministry. For this, they are indicted by the Queen's Attorney-General, in the King's Bench. (*w*)

1555. *Oct. 21. (Monday.)* A Parliament meets at Westminster.
A. H.
2 & 3

Writs are addressed to the Marquis of Winchester, Treasurer, 14 Earls, 2 Viscounts, 39 Barons.

The Bishop of Winchester, Lord Chancellor, opens the Session. Receivers and Tryers of Petitions are appointed, including Gascony and the Isles.

Oct. 23. The Commons elect John Pollard, Esq., as Speaker. On the death of the Chancellor, (October 24,) the Lord Treasurer acts in his place.

A Bill is revived concerning the absence of Knights and Burgesses in the time of Parliament.

Oct. 28. A Subsidy is granted, as well as Two Fifteenths, which latter, having met with opposition, the Queen, by a Message, gives them thanks, but refuses.

The Bill for the Subsidy passes the Lords on the *First Reading*.

Nov. 20. A Member of the Commons having been bound in Recognizance in the Star Chamber, to appear before the Council within twelve days after the end of Parliament, the Commons declare to the Lords that their Privilege is broken. On a Conference, the Chief Justices, Master of the Rolls, and Serjeants, clearly affirm that the Recognizance is no breach of Privilege.

Dec. 9. (Monday.) The Queen gives her assent to 24 Bills, and the Lord High Treasurer *dissolves* the Parliament. (*x*)

1558. *Jan. 20. (Thursday.)* A Parliament meets at Westminster.
A. H.
4 & 5

Writs are addressed to the Marquis of Winchester, Treasurer, 13 Earls, 2 Viscounts, 39 Barons.

The Abbot of Westminster and the Prior of St. John again take their Seats.

(*w*) Lords Journals I., 491. Dugdale. P. II. III., 312-335, which erroneously calls it Nov. 11. Lord Coke has preserved the names of the 33 Seceders, "to do honour to their memories." He observes, "That the High Court of Parliament subsisteth by its own Laws and Customs; and it is both a Law and Custom of Parliament that all weighty matters moved for, concerning the Peers or Commons in Parliament assembled, ought to be adjudged and determined by the Court of Parliament, and not by either the Civil or Common Law of the Realm. Also, by another Law or Custom of Parliament, the King cannot take notice of anything said or done in the House of Commons but by report of that House, every Member of which having a judicial place, can be no witness." Six Members submit to the Court, and pay their fines. The death of the Queen interrupts the Judgment against the rest. Among them was Plowden, the celebrated Lawyer. See Cokes Instit., Part IV. p. 17, &c. Also Strypes Memorials III. p. 165.

(*x*) Dugdale. P. II. III., 341.

Receivers were, as it appears, from ancient usage, still appointed for Gascony, and for other places long since lost to the Crown.

This passing on the first reading, is the only instance that has yet occurred of such a Procedure.

With regard to the next Parliament, Dugdale has committed an extraordinary error. He gives the Parliament "inchoatum apud Westmon. die Lunnæ, xx. d. Januarii, annis quarto et quinto, Ph. et Marie, A. D. 1557." But the 29th of January occurs on a Monday only in the years 1556 and 1561, and Jan. in the 4th and 5th year must have been 1558, which therefore is equally irreconcilable with his day of the week. The P. H. makes the next Parliament in the 5th and 6th years, which is also erroneous, as there were no months of January in the 5th and 6th P. and M. See Commons Journals I. 47.

The Archbishop of York, Lord Chancellor, declares the Cause of Summons.

The Commons present their Speaker, William Cordell, Esq.

Jan. 24. The Lords send a Message to the Commons desiring a Conference, and that the Speaker, with 10 or 12 more, will meet a Committee of the Lords, consisting of 3 Earls, 3 Bishops, and 3 Barons. Twenty-one Commons meet the Lords, and confer on the Queen's Wants, and the State of the Nation.

Feb. 19. A Bill for a Lay Subsidy passes the Lords. The Clergy in Convocation had taxed themselves with a Subsidy of 8s. in the Pound, to be paid in four years, which is confirmed by Parliament.

Several Acts are passed.

Feb. 22. (*Tuesday.*) It being the Queen's pleasure that the House shall not sit on the morrow, Ash-Wednesday, various Members are licensed by the Speaker to be absent on business.

March 5. (*Saturday.*) A Member affirming that he is returned a Burgess for Plympton, Devon, and having brought no Warrant thereof to the House, nor being returned by the Clerk of the Crown, by Book or Warrant, is awarded to be in the Custody of the Serjeant till the House have farther considered.

March 7. (*Monday.*) The Queen gives her Assent to Sixteen Bills, and the Chancellor prorogues the Parliament to Nov. 5. (*y*)

Nov. 5. (*Saturday.*) The Second Session of the Parliament commences. Writs are sent to the Archbishop of York, Chancellor, Marquis of Winchester, Treasurer, W. Paget, Keeper of the Privy Seal, Duke of Norfolk, Marshall of England, Earl of Oxford, Great Chamberlain of England, 12 Earls, 1 Viscount, to the High Admiral of England, to the Chamberlain of the King and Queen, the Prior of St. John of Jerusalem, and 34 Barons, Chivalers.

5 & 6

It is ordered that the names of the Knights, Citizens and Burgesses be called on Monday.

Nov. 7. (*Monday.*) The Queen sends for the Speaker and orders him to explain to the Commons the Necessities of the Nation.

The Commons come to no Resolution.

Nov. 9. (*Wednesday.*) The Bill for attendance of Knights and Burgesses in Parliament is discussed.

Nov. 10. The Servant of a Member attached for Debt, has Privilege.

Nov. 14. The Lord Chancellor with other Lords, Spiritual and Temporal, come down to the Commons' House, and they occupy the places appointed for Privy Councillors. The Speaker leaves the Chair, and with the Privy Councillors in the House, sits on the benches below them.

The Lord Chancellor shews the necessity of a Subsidy, and withdraws with the Lords.

The Commons debate for two days, but adopt no Resolution.

Nov. 16. The first Bill for the Restraint of the Press is brought in.

Nov. 17. (*Thursday.*) The Lord Chancellor sending for the Commons announces the death of the Queen, this day. They are to resort to the Palace, where the Lords will come and cause Proclamation to be made of Lady Elizabeth, as Queen.

ELIZABETH.

(Nov. 17, 1558.)

1559. *Jan. 23. (Monday.)* A Parliament is held at Westminster.
A. R. minster.

1

Writs are issued to the Marquis of Winchester, Treasurer, the Duke of Norfolk, Earl Marshall of England, the Earl of Oxford, Great Chamberlain of England, the Earls of Arundel, Westmoreland, Shrewsbury, Derby, Worcester, Rutland, Cumberland, Sussex, Huntingdon, Bedford and Pembroke, the Viscounts Montague, Howard, &c., Barons Bindon, Edward Fenys de Clinton, Great Admiral of England, W. Howard de Effingham, Chivaler, Camerario Hospitalii, Nevile de Bergavenny, Tuchet de Audley, Stanley de Strange, (eldest Son of the Earl of Derby), Parker de Morley, Brooke de Cobham, G. Talbot, Chivaler, H. Stafford, Chivaler, Grey de Wilton, Scrope de Bolton, Sutton de Dudley, H. Hastings, Chivaler, Blount de Mountjoy, Darcie de Darcie, Lumley de Lumley, Stanley de Montegle, W. Burghe, Chivaler, J. Paulet, D. St. John de Basing, (eldest Son of the Marquis of Winchester), R. Riche, Chivaler, Willoughby de Parham J. Sheffield, Chivaler, J. Darcie de Chiche, Brugges de Chandos, Hastings de Loughborough, Carey de Hunsdon, St. John de Bletso, Chivalers.

Receivers and Tryers are appointed.

Sir Nicholas Bacon, Knight, Lord Keeper and Lord Treasurer, in consequence of the Queen's indisposition, prorogues the Parliament to Wednesday, 25th inst.

Jan 25. The Queen attends, and the Lord Keeper opens the Session.

Five new Peers take their Seats. The *Abbot of Westminster* sits the first day, but neither he nor any other Abbot or Prior afterwards.

The Commons present Sir Thomas Gargrave as their Speaker.

Jan. 30. A Committee of 24 Members is appointed to meet, and treat of a Subsidy.

The validity of the Summons to the last and present Parliament, in which Writ, the words "Supremum Caput Ecclesie" were omitted, is taken into consideration. The whole House agrees that such omission did not impeach the validity of the said Writs.

An Act is brought forward for restoring the Supremacy to the Imperial Crown of this Realm; and repealing divers Acts made to the contrary. After long debates and dissent, especially from the Prelates, it is concluded in both Houses on the 22d March. Restitution is made to the Crown by nearly the same Members as in the last Reign.

Feb. 20. Two Bills sent up by the Commons for a Subsidy, and for Tonnage and Poundage for Life, are returned by the Lords with Corrections and Amendments, to which the Commons agree.

(2) Dugdale. P. H. 111., 354-358, where see, also, the List preserved by Lord Coke, of 68 Members of this and the last Parliament, who, disliking the Proceedings, left the House. Though prosecuted, no judgment is entered against them.

A Resolution is passed relative to the Privilege of Peers. An Assize having been brought against Lord Willoughby, of Parham, then attending Parliament, to be tried at the next Assizes and Sessions, an injunction is desired, that none shall proceed in and to that trial, upon the pain of £500.

Feb. 24. (Friday.) A Member of the Commons having come to the House being outlawed, and having defrauded several persons under colour of Privilege, after examination by a Committee, the Question is put, "Whether he shall have Privilege or not?" It is carried, by 112 against 107, that he shall still continue a Member.

March 23. A Member of the House having gone before the Lords as Counsel with the Bishop of Winchester, it is taken to be a fault.

He pleads ignorance of the Order, and is remitted.

April 17. The Bill touching Knights and Burgesses, for attendance in Parliament, is debated.

May 8. The Queen comes to the House. The Speaker requires the Royal Assent to such Bills as had passed both Houses, and the Lord Keeper *dissolves* the Parliament. (a)

Jan. 11. (Monday.) A Parliament (II.) is held at Westminster. 1569.
A. D.
5

Writs are issued to the Treasurer, one Duke, one Marquis, nine Earls, two Viscounts, and 29 Barons, Chivalers.

On account of the Queen's indisposition, Parliament is prorogued to next day.

Jan. 12. After a Sermon at the Abbey, the Queen proceeds to the House, when the Lord Keeper, Bacon, opens the Session.

Jan. 13. The Commons present their Speaker, "Mr. Thomas Wylliams, Esq.," who makes an Oration, and is accepted.

The Oath of Supremacy is taken by all the Members of both Houses.

Jan. 22. (Friday.) Burgesses being returned of divers Boroughs not lately returned in the Chancery, Tregony, St. Jermyns and Mawes, (Cornwall,) Mynhed, (Somerset,) Tamworth, (Stafford,) Stokbridge, (Southampton,) Mr. Speaker declares that the Lord Steward agrees that they should resort into the House, to shew Letters Patent, why they should be returned in this Parliament.

Feb. 6. A Member's Servants, who had been imprisoned for a fray, are set at liberty, on entering sureties in a bond for £500, to appear personally in the Queen's Court, in Trinity Term next.

Feb. 20. A Bill for a Supply is sent up by the Commons, and, on the 23d, passes the Lords.

Several Acts are passed, and Petitions presented for the Queen to marry.

April 10. (In Vigiliâ Paschæ.) The Queen gives her assent to 31 Public, and 17 Private Acts, and the Lord Keeper prorogues the Parliament to October 2, next ensuing. (b)

(a) Dugdale. Parl. H. IV., 363-436. Against a Bill for the Liturgy, Dr. Feckenham, Abbot of Westminster, the last of his order that ever spoke in that House, and Dr. Scott, Bishop of Chester, make orations.

(b) Dugdale, 1562. P. H. IV., 437, which gives the same date. Camden, in *Kennet*, p. 591, acquaints his Readers on the subject of the Subsidy, "That a *Fiftieth and Tenth* is a certain Tax on every City and Borough Town; not upon every man in particular, but a general sum in proportion to the computed wealth of the respective places. A *Subsidy* is what is imposed on every single person, as they are

1564

A. R.

7

1566.

A. R.

8

Oct. 2. Parliament again assembles, but by reason of the Plague, then raging in the Cities of London and Westminster, is prorogued to Oct. 5, 1564, A. R., 6.

Oct. 5. The Parliament is a third time prorogued to April 30, and again to Oct. 4, when it is a fifth time prorogued.

Feb. 7. The Parliament is, a sixth time, prorogued to Sept. 30, when the Meeting re-assembles. Writs are issued to the Treasurer, one Marquis, 17 Earls, 3 Viscounts, 41 Barons, Chivaliers.

The Speaker of the Commons, "Mr. Thomas Williams, Esq.," being dead, a Committee is appointed to wait upon the Lords, to have their aid and assistance, for intimation of the affair to her Majesty, and to know her pleasure upon it.

Her Majesty's pleasure is, that the Commons shall resort to their usual place, and choose a new Speaker, after the accustomed manner. Her Majesty's Solicitor-General, Richard Onslow, Esq., a Member of the Lower House, but who attended the House of Lords, is, after some proceedings and debate, elected by 82 against 70. He is approved.

Oct. 22. In consequence of the Lord Keeper's infirmities, Sir Robert Catlyn, Knight, Lord Chief Justice of the Common Pleas, is appointed to execute his office in Parliament.

Oct. 30. A Committee of both Houses is appointed to petition the Queen about her Marriage.

Nov. 9. (*Saturday*.) Mr. Vice-Chamberlain declares her Majesty's express Commandment that they shall no farther proceed in their Suit, but satisfy themselves with her Highness's promise of Marriage.

Nov. 11. (*Monday*.) It is moved whether the Queen's Commandment is not against their Liberties. The "Dispute" is from 9, A. M. to 2, P. M., and is adjourned to next day.

Nov. 12. (*Tuesday*.) The Speaker communicates a Special Commandment from her Highness to this House that there shall be no further talk of the matter, and if any person is not satisfied, but had reasons, let him come before the Privy Council there to shew them.

Nov. 25. (*Monday*.) Mr. Speaker declares her Highness's pleasure to revoke her two former Commandments, which revocation is taken of the House most joyfully, with most hearty prayers and thanks for the same.

Dec. 13. A Bill for a Subsidy sent up from the Commons, passes the Lords.

Dec. 24. (*Tuesday*.) Word is brought from the Lords, that they have adjourned to Monday. The Commons adjourn to Saturday, then to be called, to see and consider the Defaults.

Dec. 28. (*Saturday*.) The House is called, and adjourns till Monday.

Dec. 30. (*Monday*.) The House is called and adjourns till Thursday, because the Lords above have so adjourned.

assessed by poll, according to the value of their goods and Lands. But neither one, nor other of these Taxes, is laid but by Act of Parliament."

Among other Acts made this Session is one declaring the Authority of the Lord Keeper of the Great Seal and the Lord Chancellor's to be one. Henry 8 had, by Act of Parliament, consigned the first place of Honour among Laymen in Parliaments and Great Councils to the Lord Chancellor, the second to the Lord Treasurer, the third to the Lord President of his Majesty's Council, and the fourth to the Lord Privy Seal, "if of the degree of Barons of Parliament or above;" and they were to take place of all Dukes, except those of the Blood Royal.

Jan. 2. (Thursday.) The Defaults are called, and twelve Members allowed to make default. 1567.

At three, P. M., Mr. Onslow, Speaker, makes an Oration to the Queen, and is answered by the Lord Keeper. The Queen addresses both Houses, and declares that she seems not pleased with the doings of the Commons, for busying themselves in this Session with matters which do not appertain at this time, "but with comfortable words," commands this Parliament to be dissolved. (c) A. R. 9

April 2. (Monday.) A Parliament (III.) is held at Westminster. 1571. A. R. 13

Writs are addressed to the Marquis of Winchester, Treasurer, and one other, 15 Earls, 3 Viscounts, 38 Barons.

After a Sermon at the Abbey, the Queen comes to the Upper House, and makes a short Speech.

The Lord Keeper, Sir Nicholas Bacon, then shews the cause of this Parliament. He informs the Members "that they are to examine the want and superfluity of Laws; whether there be too many, which breedeth so many doubts, that the subject sometimes is to seek how to observe them, and the Councillor how to give advice concerning them."

Receivers and Tryers of Petitions are appointed.

April 4. The Commons present Christopher Wray, Esq., as Speaker, who is accepted. He makes a Speech of Two Hours.

The Lord Keeper replies, and, among other matters, states, "that her Majesty having experience of late of some disorder and certain offences, they, the Commons, will do well to meddle with no Matters of State, but such as shall be propounded unto them, and to occupy themselves in other Matters concerning the Commonwealth."

It is agreed, that the Litany shall be read every day as in the last Parliament, and also a Prayer said by Mr. Speaker, as he shall think fittest for this time, to be begun every day at half after eight, A. M., and, at that each, then making default, shall forfeit for every time, fourpence to the Poorman's Box.

April 5. On the preceding day, the Commons had been called over, and the Oath of Allegiance and Supremacy given to each Member, by Lord Clynton, the Lord Steward of the Queen's Household. This day they are again called over; and two Gentlemen, who had entered, without being returned by the Clerk of the Crown, are committed to the Serjeant's Ward, and commanded to attend, next day, the Order of the House.

A Committee is named to confer with the Attorney and Solicitor General about several Boroughs, which had returned Members this Parliament, but sent none to the last.

A Debate takes place on Abuses in Religion.

April 7. A Committee is appointed to consider the amount, and time of yielding, some Relief unto her Majesty, to meet in the Star Chamber, on Monday, (9th) at two o'clock.

April 9. (Monday.) A Report is made concerning the validity of Burgesses, and it is ordered, by consent of the Attorney-General, that the Burgesses shall sit according to their Returns; because the validity of the Charters of their Towns is to be examined in another place, if cause be.

(c) Commons Journals. Dugdale. P. Hist. IV., 52-85. The frequent Prorogations of this Parliament, ab anno in annum, are an innovation upon all former practice. More than four years intervene between this Dissolution and the following Parliament.

1571.

A. D.

13

A long debate takes place relating to the Prerogative.

April 10. (Tuesday.) Mr. Speaker reciteth a command from her Majesty, to spend little time in Motions, and to avoid long Speeches.

He moves, also, that, henceforth, Motions shall be brought in writing. (*d*)

April 14. (Saturday.) Being Easter Eve, the House is adjourned to Thursday 19th, and it is agreed that, from thenceforth, they shall come to the House at *Seven* of the clock every morning.

April 19. (Thursday.) A Bill for the Validity of Burgesses not Resiant, is read a second time, and is committed after much debate.

Mr. Warncombe, (of Hereford,) recommends all those who are Burgesses to see to that Bill. It may touch and over-reach their whole Liberties. Lords' Letters may henceforth bear all the sway.

Mr. Norton explains the meaning of the Bill—to shame the imperfection of Choice, too often seen, by *sending unfit men*; and lest any thing might be objected to the imperfection of Parliament, by reason of the Choice made by Boroughs, for the most part of *Strangers*, whereas, by the political Law, no man ought to be chosen Burgess for any Borough, *but only Residents and Inhabitants*. The Choice should be of such as were able, and fit for so great a place and employment, without respect of Privilege of Place, or Degree. By reason of his being a Burgess, it might not be intended or thought he was any thing the wiser. The whole body of the Realm, and the good service of the same, were rather to be respected, than the private regard of Place, Privilege, or Degree of any person.

Another Member says, "I run wholly with the pretence of the Bill, that Boroughs decayed may be eased or relieved, knowing assuredly the same honourable for the Realm, and in many respects profitable and commodious to those who inhabit the Countries adjacent to such decayed Towns. The question shortly is, what sort of men are to come to this Court, and to public Consultation in Parliament; whether from Country or Town, should come Home-dwellers, or otherwise men chosen by directions, it forceth not whom. I am surely of mind, that, neither for the good service of her Majesty, the safety of our Country, or the Liberty, which of right we may challenge, this scope is to be given, or such looseness in choice to be permitted."

Then, dividing the Classes of Society into Three; 1st, the Ministers and Teachers of Religion; Secondly, the Nobility, Knights and Soldiers; and Thirdly, the Providers, Devisers and Executors of all things necessary, commodious or seemly for a settled Estate, as Counsellors, Judges and Ministers of the Laws, Tillers of the Earth, Merchants, Victuallers and those who use Manual and Mechanical Arts, the Speaker declares, that of all these, regard, care and respect must be had, that being thoroughly consulted, the general and particular States may be known, if we mean to proceed for the public Weal. "This hath moved our Forefathers and on this ground hath it grown, that, in this Court, where we are to consider all, and as

(*d*) It may be observed that the Parliamentary History, from Sir Simonds D'Ewes's Diary, places this on the 20th, the Journals on April 10.

occasion may serve, to alter, constitute or reform all things, we know all sorts of men, so far as may be, to help all. Some one, whom Observation, Experience, and due Consideration of a particular Country hath taught, can more perfectly open any question that may grow thereof, and more effectually reason thereupon, than the skillfullest otherwise whatsoever. And that they should be the very Inhabiters of the Countries, doubtless was the true meaning of ancient Kings and our Forefathers, who began and established this Court. The old Precedent of Parliament Writs teaches us, that of every Country their own Burgesses should be elected, &c. &c. The Statute, 1 Hen. 5, for the Confirmation of the old Laws, was therefore made, and not to create a new unknown Law; and that other in Hen. 6, was made to redress the Mischief which grew by the breach of that old Law.

1571.

A. R.

13

Since we deal universally for all Sorts and all places, there should be here of all Sorts and of all Countries; and the Towns and Boroughs should not be eased that they may choose at liberty whom they list. Yet can I hardly call that a Liberty which is contrary to that which the King and Queen grant as a free gift, "Et de majori gratia nostra, &c., dedimus potestatem quod de seipsis eligant duos Burgenses et duos Cives."

After reciting instances of attempts at Nomination by Noblemen, and the Council, which had been answered by those to whom they were made, "that they were prohibited by Law, and could not elect those so named:" "We stand, and have late stood," continues the Speaker, "upon the notorious manifestation of the authority of Parliament. Except you keep the ancient usage of the same, and endeavour the freedom thereof, you do nothing aright."

It is said, "That in some Towns there are not men of fit discretion. They be not the wiser, said the last Speaker, for being Burgesses. I can never be persuaded, but that either the Lord, whose the Town is, be the Town never so little; or the Steward, if it be the Queen's, or some good gentleman of the Country adjoining, will either assign them who know the Town, and can be content to be free among them, and to serve by their appointment for the Country and for them; or else, for some reasonable Fee, such as be of their learned Council and who know them and the Country and will deal for them. I mean it not so strictly as that those chosen should of necessity be Dwellers in the Town; but to be either of the Town, or towards the Town, Borderers and near Neighbours at least."

It was meant, at the first constitution of Parliament, that men of every Quarter and of all Sorts should come to this Court and that they should be freely chosen. This, in every Age hitherto, hath seemed best. *To alter without cause is not convenient.* To give every Town Liberty, may offer in time inconvenience. None so fit for every Country, as those who know the same.

While we say that Boroughs cannot send so fit men as be convenient, and alter the ancient usage, the only warrant and safe stay of freedom in Parliament, it may be said we have no Parliament within this Realm, nor liberty for any such to be here holden.

Mr. Bell. It is necessary all Places should be provided for, and not Boroughs only, being but one Member of the Commonwealth, and some having neither wealth to provide fit men, nor

1571.
A. R.
13

having themselves any such, a convenient remedy should be had for those manifest wants, but as alteration could not be made without the Warrant of Parliament, advice should be had therein. For the objection of the danger which may ensue by reason of the Letters of Noblemen, he wishes there may be a Penalty of Forty Pounds upon every Borough that shall make Election, at the Nomination of any Nobleman.

Mr. Alford. Above all things care ought to be taken for the choosing fit men. Many Young Men, not experienced, for learning sake, are often chosen, through whose default, he knew not. None should be of the House, not of Thirty Years of Age at least. And for the Choice of Townsmen, there should be one of their own elected, or some Gentleman near them, who had knowledge of the State of the Country; and the second Member should be a man learned, and able to utter his mind and opinion.

A Committee is appointed to meet on this Bill in the Temple Church, on Saturday next, (21st) at two, P. M.

April 20. On a question involving the Liberties of the House, and untrue Reports made of the House, Mr. Speaker declares the Queen's Majesty to have as good liking of the House now, as ever of any Parliament since her Majesty's Reign.

Mr. Wentworth requests care for the credit of the House, and for the maintenance of free Speech, the only means of ordinary Proceedings, and to preserve the Liberties of the House, and to reprove Lyers.

Mr. Treasurer. It is convenient that ill Speeches should be avoided, and the good meaning of all men be taken, without wresting or misreporting, and such meaning to be shewn in good sort without unseemly words.

Mr. Curleton signified that a Member of the House (*Mr. Strickland*) was detained from them, by whose commandment and for what cause he knew not. But, as he was not now a private man, but was specially chosen to supply the room, person and place of a Multitude, neither in regard of the Country, which was not to be wronged, nor for the liberty of the House, which was not to be infringed, should we permit him any longer to be detained. Whatever the intendment of his offence might be, he should be sent for to the Bar of that House, there to be heard, and there to answer.

Mr. Treasurer. He was in no sort stayed for any word or Speech in that place offered, but for the exhibiting of a Bill into the House against the Prerogative of the Queen, which was not to be tolerated. Nevertheless the construction was, that he had rather erred in his zeal, and the Bill offered, than maliciously to have meant anything contrary to the Royal Dignity. It had often been seen that Speeches had been examined and considered.

Sir Nicholas Arnold, "with vehemence" moves that care be taken of the Liberty of the House.

Mr. Yelverton. The Precedent was perilous, and though in this happy time of lenity, nothing of extremity was to be feared, the times might be altered, and what now is permitted, hereafter might be construed as a Duty, and enforced even on the ground of the present permission. To say the Parliament had no right to determine of the Crown was High Treason. Men are not there for themselves, but for their Countries. It was fit for Princes to have their Prerogatives, but straitened within reasonable limits. The Prince of herself could not make, neither, by the same reason, break them.

Mr. Fleetwood offers Precedents for men called to account for their Speeches. Under Hen. 4, a Bishop was committed to Prison by command of the King. The Parliament became Suitors for him. In the time of Hen. 5, the Speaker himself was committed, and another of the House. The House had no Remedy but to be Suitors to the King. He moves that the House be humble Suitors to her Majesty, and neither send for him, nor demand him of right.

1571.
A. D.
13

The Speaker moves, "that the House should make stay of any further consultation thereupon."

On the next day, Mr. Strickland, who had been restrained from attending, but neither imprisoned nor confined, again comes to the House.

April 21. (Saturday) A Report is brought from the Lords, that as the Season of the Year waxed very hot and dangerous for sickness, so they desire this House to spend the time in proceeding with necessary Bills for the Commonwealth, and lay aside all Private Bills. A note of such Bills as they think meetest to be treated of, is read by the Clerk.

April 24. (Tuesday.) It is ordered that a Note be made against To-morrow, of the Titles of such Bills, to the end the House may choose with which first to proceed.

April 30. (Monday.) A Bill for coming to Church and receiving the Communion, is read a third time, and ordered to be Ingrossed.

May 9. (Wednesday.) It is ordered, that on Friday next, the House do sit at three o'clock, P. M., and continue till five, and so every Monday, Wednesday, and Friday, until the end of the Session; the time being employed only in the first reading of Private Bills.

May 10. (Thursday.) Proceedings are taken in a Case of Bribery.

Thomas Long, "a very simple man, and unfit" to serve, is questioned how he came to be elected. He confesses that he gave the Mayor of Westbury and another, Four Pounds for his Place in Parliament. They are ordered to re-pay this sum, to appear to answer such things as should be objected against them in that House, and a Fine of Twenty Pounds is to be assessed on the Corporation and Inhabitants of Westbury, for their scandalous attempt. (c)

A Bill for a Subsidy is sent up by the Commons, and, on the 15th, passes the Lords.

May 28. It having been reported in the House, that some of the Members had received Fees or Rewards for their Voices for or against Bills, a Committee of all the Privy Counsellors in that House, with others, is appointed to meet that afternoon in the Star Chamber, to examine the matter. A Report is made the next day, that "they could not learn of any Member that had sold his Voice in the House, or any way dealt unlawfully, or indirectly in that behalf."

Mr. Norton, having heard that he was suspected, justifies himself, and, on the Question, is cleared, and his honest and

(c) On this proceeding the Editors of the Parl. Hist. say, "It must be allowed that a Seat in Parliament was held very cheap in those days. For though the value of money was much greater than it is now, yet Four Pounds can never bear a proportion to the monstrous sums that have been expended, or given, for a seat in Parliament in later times."

1571. just dealing and great painstaking declared and affirmed by the
A. R. Votes of the whole House.

13

May 29. The Queen addresses the House, telling the Commons "She utterly disallows and condemns those for their audacious, arrogant, and presumptuous folly, who, by superfluous Speeches, spend much time in meddling with matters, neither pertaining to them, nor within the capacity of their understanding." After Speeches from the Speaker and Lord Keeper, she gives her assent to the Bills, and Parliament is dissolved. (f)

1572.

A. R.

14

May 8. (Thursday.) A Parliament (IV.) meets at Westminster.

Writs are issued to the Treasurer, (Marquis of Winchester), Earl of Oxford, Great Chamberlain, 8 Earls, 2 Viscounts, 43 Barons.

The Lord Keeper, Bacon, opens the Session.

May 10. The Commons present their Speaker, "Mr. Robert Bell, Esquire."

May 13. (Tuesday.) A Committee of 21 Lords and 44 Commons, by the Queen's command, meet in the Star Chamber at 8, A. M., to deliberate on matters touching the Queen of Scots.

A case of Privilege is brought before the Lords by the Lord Cromwell, who had been attached by a Writ out of Chancery. The Lords adjudge the attachment void and contrary to the ancient Privileges of the Peerage, but with certain Provisos.

May 19. (Monday.) A Report is made of the Conference. It is resolved to proceed against the Queen of Scots in the highest degree of Treason, &c.

May 22. A Bill for Rites and Ceremonies in the Church had been read in the House three times, when the Speaker declares to the House that it is her Majesty's pleasure, that, from henceforth, no Bills concerning Religion shall be preferred, or received into this House, unless the same be first considered and approved by the Clergy. And farther, that her Majesty desires to see the two last Bills read in the House, touching Rites and Ceremonies. On which, it is ordered, that the said Bills shall be delivered to her, by such Members as are of the Privy Council.

June 5. (Thursday.) The Bill against the Queen of Scots having passed the Lords, is read a first time, by the Commons.

(f) Dugdale. P. H. IV., 86-165.

These various speeches being the first which appear detailed at any length on matters immediately touching the constitution and forms of Parliament, it has been thought that an abridged view of the arguments would be useful and interesting.

It appears on the subject of Nominations, that the infringement of the Liberties of the House was held to consist in the political interposition of the Government, or of those who were connected with it, and that the recommendation or assignment of particular individuals by the Lords, who owned the Borough, or even of the Queen's Steward, connected with the place, were not only not held in such light, but were even desired, on the ground of the interests such parties possessed in the neighbourhood, and their better knowledge of those who were fittest to promote its local interests.

It is observed in the MS. Journal of Sir Simonds D'Ewes, cited in the Parl. Hist. IV., 85 and 102, "That it was very common in former times, that if any Borough grew into poverty or decay, to avoid the charge of their Burgesses allowances, they either got a Licence from the Crown to be discharged from such election and attendance, or did, by degrees, discontinue it themselves. But, in later times, the Knights, Citizens and Burgesses of the House of Commons, for the most part, bearing their own charges, many of these Borough Towns, which had discontinued their former privilege, by not sending, did again begin it; which was the case of several Towns, both in this and the succeeding reign." "This is the reason why so many pitiful Boroughs, remarkable now for nothing but their meanness and poverty, retain the same privilege, and have a power of being represented equal to the Counties and Cities, and superior to many great towns in England."

June 6. It is read a second time.

Ordered, "to sit at Afternoons from three to six, to proceed only with Private Bills, and not to go to the Question of any such Bill if it concern a Town or Shire, unless the Knights of such Shire or Shires, or the Burgess of such Town or Towns, be then present."

June 11. (*Wednesday*.) The House adjourns to Tuesday, 24th.
June 30. After sundry Proceedings against the Queen of Scots, the Queen, by the Lord Keeper, prorogues the Parliament to the Feast of All Saints, Nov. 2. (*g*)

Feb. 8. (*Wednesday*.) After many Prorogations, the Second Session of the Fourth Parliament opens at Westminster. Writs are issued to Cecil de Burghley, Chivaler, Treasurer, the Marquis of Winchester, 17 Earls, 2 Viscounts, 38 Barons, Chivalers.

Mr. Wentworth, Member for Tregony, makes a very long Speech in behalf of the Liberties of the House, saying among other things, "In this House which is termed a place of free Speech, there is nothing so necessary for the preservation of the Prince and State, as free Speech; and without this, it is a Scorn and a Mockery to call it a Parliament House, for in truth it is none, but a very School of flattery and dissimulation. Two things, Mr. Speaker, do great hurt in this place, the one is a Rumour that the Queen's Majesty liketh not such a Matter, whosoever preferreth it, she will be offended with him; or the contrary. The other is a Message sometimes brought into the House, either of commanding or inhibiting, very injurious to the freedom of Speech and Consultation. Free Speech and Conscience in this place, are granted by a Special Law, as that, without which, the Prince and State cannot be preserved, or maintained.

Mr. Wentworth is sequestered the House for his Speech, and being committed to the Serjeant's Ward, as prisoner, is examined by a Committee, consisting of all the Privy Council of the House and other Members. He is afterwards adjudged to be committed close Prisoner to the Tower, there to remain until such time as the House should have further consideration of him.

Feb. 9. The House resolves, that if any Member is employed in the service of Embassy, or in Execution, or visited with Sickness, he shall not lose his Seat in the House, nor any other be elected for it, during such time of Service, &c.

Also, the Lord Russel, son and heir to the Earl of Bedford, Burgess for Bridport, is ordered to continue a Member of that House, notwithstanding the newly acquired Earldom of his Father.

A Committee is appointed to draw up a Bill for a Subsidy.

Feb. 13. (*Monday*.) Charles Johnson, Gentleman, is committed to the Serjeant's Ward, for coming into the House, being no Member.

Feb. 17. (*Friday*.) Upon sundry Motions, it is concluded, that according to old Precedents, Mr. Serjeant Gefferey, one of the Knights returned for Sussex, may have a voice, or give his attendance, as a Member, notwithstanding his attendance in the Higher House, as one of the Queen's Serjeants, for his Counsel

(*g*) Dugdale. P. H. IV, 165-163. The Journals of the Commons give none of the following Prorogations after that to the 24th June, 1572, and commence the 2d Session, with Feb. 8, 1573, A. N. 18.

The Lord Cromwell's Case of Privilege is given in the Lords' Journals, June 30.

1576.

A. D.

15

there, as the place where he has no voice, nor, indeed, is any Member of the same."

Feb. 21. (Tuesday.) A Report is made on the delivery of the Servant of a Member, "That the Commons found no Precedent for setting at large by the Mace, any Person in arrest, but only by Writ, and that it appeareth by divers Precedents, that every Knight, Citizen, or Burgess, who doth require Privilege, hath used in that case to take a Corporal Oath before the Lord Chancellor or Lord Keeper of the Great Seal; that the Party for whom such Writ is prayed, came up with him, and was his Servant at the time of Arrest made, &c."

Feb. 27. (Monday.) Resolved, "That F. S., Servant of A. Hall, Esq., be brought hither To-morrow, by the Serjeant, and so set at liberty, by Warrant of the Mace, and not by Writ."

March 7. (Wednesday.) The said Servant is adjudged guilty of contempt and abusing of this House, by fraudulent practice of procuring himself to be arrested on the Execution by his own Assent and intention to be discharged, as well of his Imprisonment, as of the said Execution, and is committed to the Tower.

March 12. A Message is sent from the Queen, referring to the House the enlargement of Mr. Wentworth, which Message is most thankfully accepted by the whole House.

Sir Walter Mildmay, Chancellor of the Exchequer, makes a Speech thereupon, distinguishing Freedom and Liberty of Speech, from licentious Speech.

March 14. The Queen comes to the House of Lords. The Speaker presents the Bill for a Subsidy. The Queen passes all the Acts, and on the following afternoon, March 15, again attends, and, by the Lord Keeper, prorogues the Parliament to Nov. 5.

Nov. 5. From thence by Twenty Four several Prorogations the Parliament is continued through the years 19, 20, 21 and 22 to (*h*)

1581.

A. D.

23

Jan. 16. On this day, the Third Session of the Fourth Parliament opens at Westminster. Writs are issued to W. Cecil de Burghley, Chief Treasurer, Marquis of Winchester, 19 Earls, 2 Viscounts, 41 Barons, Chivalers.

The Speaker of the Commons, Sir Robert Bell, Lord Chief Baron of the Exchequer, being dead, they adopt the late Precedent, and appoint certain Members to wait upon the Lord Chancellor, and the House of Lords, requesting their aid and assistance for intimation of the matter to her Majesty. The Lords of the Privy Council, with others, and a select number of the Commons, represent the Case to the Queen.

Receivers and Tryers of Petitions are appointed, and the House adjourns to

Jan. 18, when, by a Commission, the Chancellor is authorized to call the Commons before him, and command them to choose another Speaker.

Jan. 20. The Commons present as their Speaker John Popham, Esq., her Majesty's Solicitor-General, who is confirmed.

The Lord Chancellor, in his answer to the Speaker's Address claiming the usual Privileges, &c., gives him this Admonition,

(A) Dugdale, *Parl. Hist.* IV, 164-227. Mr. Wentworth's speech as given by the Journalist (D. Ewes) occupies fourteen octavo pages.

It will not be forgotten that the Journals, as well as the other Authorities, call this year, 1575, on the reckoning from March 25, so often noticed, and which requires constantly to be kept in mind.

"That the House of Commons should not deal or intermeddle with any Matters touching her Majesty's Person, or Estate, or Church Government." 1581. A. R. 23

Jan. 21. (*Saturday*.) *Mr. Paul Wentworth*, makes a Motion for a Public Fast and for daily Preaching. "The Fast for some one certain Day, but the Preaching every Morning before the House did sit." That so, they, beginning their Proceedings with the Service and Worship of God, he might the better bless them in all their consultations and actions."

After a warm Debate, the Motion is carried by 115 to 100.

A Fast is accordingly appointed in the Temple Church for the 29th.

A Burgess indicted of Felony, is adjudged to remain in the House, unless he be convicted.

Jan. 24. The Speaker declares himself sorry for the error committed by the House on Saturday, in resolving to have a public Fast, and shews her Majesty's great misliking of the Proceeding. He advises the House to a submission in that behalf, and moves them to bestow their time and endeavour, hereafter, in matters proper and pertinent, and to omit all superfluous and unnecessary Motions and Arguments, with all due regard to the order of the House.

The Vice-Chamberlain declares a Message from her Majesty, shewing her great admiration of the Rashness of the House in attempting such an Innovation as the Fast, without her Majesty's privy and pleasure first known, declaring her Majesty's protestation for the allowing of fasting and prayer, with the use and exercise of it in her own person; but reproof the undutiful proceeding of this House, at the same time, setting forth her Majesty's most honorable and good acceptance of the zeal, duty and fidelity of the House, towards Religion, the safety of her Highness's Person, and the state of the Commonwealth; shewing farther, that her Highness had already deeply consulted upon those matters and prepared fit and apt courses, meet and ready to be delivered to this House. He thinks it meet that the House do make most humble submission to her Majesty, acknowledging the offence with full purpose to forbear committing of the like offence.

Mr. Nicholas St. Leger, extenuating the said offence, urges the sincerity of their intention in the Motion. The imperfections and sins, to which not only private men but public States are subject, needed to be supported by prayer and humiliation. He urges the great remissness of the Bishops in suffering that most necessary duty of fasting and humiliation to grow even out of use in the Church, and trusts her Majesty and all her subjects, will be ready to express their true repentance to God by humbling themselves in Sackcloth and Ashes.

It is agreed, by consent of the whole House, that *Mr. Vice-Chamberlain* shall carry the Submission of the House to her Majesty.

An Answer is brought of her Majesty's gracious acceptance of the Submission. The Cause of her Misliking was not that they desired Fasting and Prayer, but that they presumed to indict a Form of Public Fast, thus intruding upon her Authority Ecclesiastical.

Mr. Hall, a Member, for a Book against certain Members of the House, is apprehended, committed to the Tower, fined, &c.

1581.
A. R.
23

March 2. A Bill for a Subsidy is sent up by the Commons, and passes the House of Lords on the 8th.

The Commons send up a new Bill "for fortifying the Borders towards Scotland," and return a former Bill, which the Lords with great deliberation had passed and sent down with the same Title. This course, the Lords think "derogatory to the Superiority of the Place, and contrary to the Ancient Course of both Houses. As they dislike this disorder, so it is their pleasure that this their misliking be entered in the Records of Parliament, lest so evil an example may hereafter be used as a Precedent."

March 10. The New Bill is read a first time by the Lords, and on the 15th, passes, with certain Amendments agreed to by the Commons.

Certain Causes of Appeal between Party and Party are tried at the Bar of the House of Lords, and entered in their Journal.

Some Orders and Regulations are made relating to Elections.

March 18. (Saturday.) It is *Ordered* and *Resolved*, "That every Knight for the Shire that hath been absent this whole Session of Parliament without excuse allowed by this House, shall have £20 for a Fine, set and assessed upon him to her Majesty's use; and for and upon every Citizen, Burgess, or Baron for like default, £10, &c., and that all Knights, Citizens, Burgesses and Barons for Ports as have attended and departed without licence, shall forfeit and lose his or their Wages, and henceforth, none shall depart without licence, upon pain of Fine, over and besides loss of Wages."

The Queen gives Assent to 15 public and as many private Bills, and the Parliament is prorogued, by the Lord Keeper, to April 24. (i)

1583.
A. R.
25

April 24. The Parliament is again prorogued, and after Seventeen other prorogations through the years 23, 24 and 25, assembles again April 19, 1583, when, by a Commission from the Queen, it is *dissolved*.

1584.
A. R.
27

Nov. 23. A Parliament (V.) is held at Westminster.

Sir Thomas Bromley, Lord Chancellor, opens the Session. Receivers and Tryers are named.

Nov. 24. The Commons present their Speaker, John Pucker- ing, Esq.

Nov. 27. A Bill for the better and more reverend observance of the Sabbath Day, after much dispute, passes both Houses.

Dec 14. Three Petitions are read touching "the liberty of Godly Preachers to exercise and continue their Ministry, and for the speedy supply of able and sufficient men into divers places, now destitute of the ordinary means of Salvation."

A Bill for the utter extirpation of Popery, against Jesuits and others, is carried through the Commons, with little opposition.

(i) Dugdale calls the year, 1580. P. H. IV, 228-255. Mr. Paul Wentworth was brother to Peter, who in the last Parliament spoke on the Liberty of Parliaments. This Session exhibits the first instance of a difference between the two Houses, and of Appeals between Parties, heard at the Bar of the House. It appears that this Parliament lasted altogether Eleven years, from May 8, 1572, to April 19, 1583. It is stated in the Parl. Hist. that as the list of Peers amounts in this Parliament to 63, there had been since the beginning of the Reign, *twenty new creations*, which, with the 26 Bishops, must have given the Court a very great power in the House of Lords.

Elizabeth's only *new creations* appear to have been about *eight only*, up to 1584. The difference alluded to, arose from many ancient Barons being *minor* at her accession.

Dr. Parry who spoke against it in violent terms, is sequestered and again admitted only on humble acknowledgment of his fault on his knees, at the Bar of the House. 1584.
A. R.
27

Dec. 21. The Parliament is adjourned to Feb. 4, "That Gentlemen and other Members of that House may repair to their own Home for their better ease and recreation."

Before separating, Mr. Vice-Chamberlain moves the House, "That besides rendering our most humble and loyal thanks to her Highness, we do join our Hearts and Minds together in most humble and earnest Prayer unto Almighty God, for his infinite Benefits and Blessings poured upon this whole Realm. He had a Paper, devised and set down by an honest, godly and learned man, which he would read, if it pleased them; they might follow, and say it after him. Which being assented unto most willingly, and every one kneeling, Mr. Vice-Chamberlain reads the said Prayer; and every one, then, departs."

Feb. 4. The Parliament meets again.

Feb. 23. The Commons take into Consideration the State of the Nation; adverting to Spain, the Pope, the holy League in France, the Jesuits and especially Ireland. "That her Majesty did specially shun danger from Ireland, of which they conceived this Proverb to be true, *'Look to Ireland, if we will rest quiet in England.'*"

March 13. The Commons send up a Grant of a Supply, consisting of an entire Subsidy, Two Fifteenths and Two Tenths. On the Second Reading, the Lords omit the Tenths, and it is so passed.

March 15. The Jesuit's Bill, amended by the Lords, passes. By an Act passed in the Lords for the Surety of the Queen's Person, an "Association" of 24 of the Privy Council and House of Lords is formed for making Inquisition after all such as should invade the Kingdom, &c., &c., or make claim to the Crown of England, &c.

March 29. The Queen gives Assent to 30 Public and 13 Private Acts, and after making a Speech, prorogues the Parliament to May 20.

It is again prorogued, at Six different times, to Sept. 14, when it is dissolved. (k)

Oct. 15. A Parliament (VI.) meets at Westminster, but is adjourned to Oct. 29. 1586.
A. R.
28

The Meeting is opened by Commissioners. Writs are issued to W. Cecil, Treasurer, to the Marquis of Winchester, 19 Earls, 2 Viscounts, and 37 Barons, Chivalers.

The Lord Chancellor opens the Session, declaring that the present Parliament was summoned for no usual Causes, not for making new Laws, whereof her Majesty thought there were

The Commons Journals, in the reign of Elizabeth, end on Saturday, 18 March, 1580 (1581) A. R. 23.

(k) P. H. IV., 256-280. Camden attributes the "invention of associating," to Dudley, Earl of Leicester. Rumours were spread of great dangers, wicked designs, and treacherous practices, against the Queen and State. The Earl drew in men of all degrees and conditions throughout England, to bind themselves in an Association, by mutual vows, subscriptions and seals, to prosecute to death, as far as lay in their power, all those that should attempt anything against the Queen." It is a curious coincidence, that while one Earl of Leicester had seized a King of England, and held him prisoner, for the promotion of his own views against the existing constitution, a second individual, bearing the title, should first have formed a defensive league for the security of the Prince, and the preservation of the Constitution, as then actually existing.

1586.

A. R.

28

more made than executed, nor for Subsidies and Fifteenths, of which although there was some occasion, yet her Majesty would not charge her loving subjects with them at this time. He then declares what dangers had been contrived of late, and how miraculously the merciful Providence of God had preserved her Majesty, &c., &c.

Receivers and Tryers of Petitions are appointed.

Oct. 31. The Commons present their Speaker, John Pucker-ing Esq., and the House is adjourned to Nov. 4.

Nov. 5. The Chancellor sets forth the foul and indiscreet dealings practised by the Queen of Scots against her Majesty and the whole Realm.

In the Commons, Sir Christopher Hatton opens the charge against the Queen of Scots.

Nov. 7. A Conference takes place between the two Houses.

Nov. 12. (*Saturday*.) The Chancellor presents to the Queen a Joint Petition from both Houses, for the execution of the Queen of Scots.

Nov. 14. Her Majesty sends a Message in favour of the Queen of Scots, and the Parliament adjourns to the 18th, on which day, a Resolution passes, "That no other way, device, or means, could or can possibly be found or imagined, that safety can in anywise be had, so long as the said Queen of Scots doth or shall live.

Nov. 22. The Question being put in the Houses of Lords and Commons, every Peer and every Commoner gives his Voice, "That they could find no other way."

Dec. 2. The Lords Commissioners adjourn the Parliament to Feb. 15. (*I*)

1587.

A. R.

29

Feb. 15. The Parliament meets, by prorogation, at Westminster.

Writs are issued to W. Cecil, Treasurer, the Marquis of Winchester, 13 Earls, 2 Viscounts, 35 Barons, Chivalers.

In the absence of the Lord Chancellor, from sickness, the Lord Chief Justice of the Common Pleas is, by Commission, authorised to act in his stead.

Feb. 22. The Commons meet after a short adjournment, when Sir Christopher Hatton, Vice-Chamberlain, opens to them the affair of the Spanish Invasion.

A Committee is appointed to meet in the Exchequer Chamber, to set down Articles for a Subsidy.

Feb. 28. Her Majesty sends for Mr. Speaker, "by occasion whereof the House does not sit."

March 1. Mr. Wentworth delivers unto Mr. Speaker certain Articles, which contain Questions touching the Liberties of the House, some of which he is required to answer. He desires they may be read. Mr. Speaker "will peruse them, and then do what is fit." The Questions are:

"Whether this Council be not a place for any Member of the same here assembled, freely and without controulment of any

A curious Letter from Lord Burghley to Lord Cobham, dated 27th Oct., 1584, sending him a copy of the Association, and inviting him to join it, will be found in Lodge's Illustrations of British History, 8vo. edit., vol. 2, p. 220.

It appears from the Speech of the Treasurer in the next Parliament, P. II. IV., 300, that a Form of Prayer was then extant in Print, and used daily in the house.

(*I*) Burghley, P. II. IV., 281-300. The proceedings of this Parliament differed from those of any that had ever been summoned before in this kingdom. No bills were exhibited and therefore no acts passed. They were called only to constitute a higher Tribunal, and thus, as has been observed, obtained a power against crowned heads, which one of their branches fatally took to themselves in a succeeding reign.

person, or danger of Laws, by Bill or Speech, to utter any of 1587.
the griefs of this Commonwealth whatsoever, touching the Ser-
vice of God, the Safety of the Prince and this noble Realm? A. N. 29

Whether *that* great Honour may be done unto God, and Benefit and Service unto the Prince and State, without free Speech in this Council, which may be done with it?

Whether there be any Council, which can make, add to, or diminish from, the Laws of the Realm, but only this Council of Parliament?

Whether it be not against the Orders of this Council to make any Secret or Matter of Weight, which is here in hand, known to the Prince or any other, concerning the high Service of God, Prince or State, without the consent of the House?

Whether the Speaker or any other, may interrupt any Member of this Council in his Speech used in this House, tending to any of the forenamed high Services?

Whether the Speaker may rise when he will, any matter being propounded, without Consent of the House, or not?

Whether the Speaker may over-rule the House in any Matter or Cause there in question; or whether he is to be ruled or over-ruled in any Matter, or not?

Whether the Prince or State can continue, stand, and be maintained without this Council of Parliament, but by altering the Government of the State?"

The Speaker does not think proper to put these Questions to the House, and Mr. Wentworth is soon after committed Prisoner to the Tower; and March 2, four of the Speakers on the aforesaid Motion, are sent for before the Lord Chancellor and Privy Council, and by them committed to the Tower.

March 4. A Motion is made in the House that since several good and necessary Members are taken from them, it would please them to be humble Petitioners to her Majesty, for the restitution of such Members to the House.

Mr. Vice-Chamberlain answers, "That if the Gentlemen were committed for matter within the Privilege of the House, there might be room for a Petition, but if not, we shall occasion her Majesty's further displeasure. He advises, that they stay till they hear more, which cannot be long.

March 7. A Bill is sent up from the Commons on a Subsidy and Grant, which passes the Lords on the 9th. A Grant also from the Clergy is read and passed.

March 11. The Commons ask a Conference with the Lords, after which the Lords join with the Commons in a Petition to her Majesty as to a Benevolence, which the Lower House thinks good to offer to her Majesty. The Lords resolve that the Commons should be left to themselves, and that they will take such Order herein, as to their Lordships shall seem convenient.

They afterwards ratify the Resolution, both touching the sum and the payment, and order that this Free Gift be entered on Record.

March 23. The Commons send up a new Bill for the Sale of Lands for a Debt due to the Crown, &c. The Lords had before passed a Bill to the same effect, and sent it down to the Commons. It is entered, that since the Commons had rejected their Bill without Conference, and framed and sent up a new Bill, in a Precedent so strange and so contrary to the orders of this House, they resolve to put it to the Question, whether this new Bill shall by the orders of the House be read or not.

The whole House conclude, unanimously, that it shall not be read.

1588. The Lord Chief Justice, by Letters Patent from the Queen, passes the Bills, and, by other Letters, *dissolves* the Parliament. (m)

A. R.

30

Nov. 12. A Parliament (VII.) meets at Westminster.

Writs are addressed to W. Cecil de Burghley, Treasurer, the Marquis of Winchester, 15 Earls, 2 Viscounts, 39 Barons.

1589. By Letters Patent to Sir Christopher Hatton, Knight, Lord Chancellor, W. Lord Burleigh, Treasurer, &c., the Parliament is prorogued to Feb. 4.

A. R.

31

Feb. 4. The Parliament assembles, and the Queen being present, the Lord Chancellor opens the Cause of Summons.

Feb. 6. The Commons present their Speaker, George Snagg, Esq., who is admitted. In Answer to the Admission Speech, the Lord Chancellor admonishes the Commons not to extend their Privileges to any unreverend or unbecoming Speeches, or unnecessary Accesses to her Majesty.

The Commons are, for several days, taken up with regulating Elections, and rectifying false returns.

Feb. 17. A Motion is made for a Supply.

Sir *Eduard Hobby* complains, that several particulars of a Speech he had made, had been reported out of the House, for which he had been sharply rebuked by a very great Person, and prays that the said Bill may be read and committed. He is interrupted by the Chancellor of the Exchequer, who, "offers not to speak to any prejudice of the Motion, but reminds the House of the immediate charge." The Chancellor having ended, Sir H. Knyvet desires the House to take the former Complaint into Consideration, and urges the Reading of the Bill. It is read, and, afterwards, Committed.

Feb. 27. The Lords desiring a Conference, a large Committee is appointed to meet them. They Report a Message from her Majesty, who expresses great dislike to the Bills.

A Debate takes place as to what was best to be done to satisfy her Majesty, and it is resolved to represent the Case as it stood, by the mouth of the Speaker.

March 8. The Speaker having had Access to her Majesty, reports his gracious reception, and her Majesty's opinion of the Bills as affecting her privileges, and promises that before the end of the Session, all redress shall be had. Upon which, the Bills are for the present dropped. They are soon after revived, by the Queen's permission, and pass into a Law.

Motions are made for the Reformation of the Clergy, but are dropped as contrary to her Majesty's express Inhibition.

Feb. 28. The Bill for a Supply is again considered, and on March 11, it is sent up to the Lords, who pass it on the 17th; a Bill for the Confirmation of a Supply, granted by the Clergy, is also passed.

March 29. The two Houses determine on a War with Spain, and the Queen gives her assent to 16 Public, and 8 Private Acts. Sir Christopher Hatton, Lord Chancellor, then *dissolves* the Parliament. (n)

(m) Dugdale. P. H. IV, 306-319. No Historian takes notice of the commitment of Mr. Wentworth and his companions.

(n) Dugdale, who calls the year 1588. P. H. IV, 330-340.

Feb. 19. A Parliament (VIII.) meets at Westminster. 1593.
A. R.
35

Writs are directed to the Marquis of Winchester, 14 Earls, one Viscount, 40 Barons (Chivalers).

The Queen comes to the House of Lords, and the Commons being called up, Sir John Puckering, Knight, Lord Keeper, declares the Cause of Summons.

He states, that the calling of this Parliament is not for the making any new Laws and Statutes, of which there are already a sufficient number, Ecclesiastical and Temporal, and so many there be that rather than burthen the Subjects with more, to their grievance, it were fitting an abridgement were made of those there are already. Wherefore, it is her Majesty's pleasure that the time be not spent therein. And, whereas, heretofore, it hath been used, that many have delighted themselves in vain Orations, full of verbosity and of vain ostentations, more than in speaking things of substance, the time that is precious should not thus be spent. The Sessions cannot be long, by reason of the Spring time. 'Tis fit that Gentlemen should repair to their Countries; the Justices of Assize also go to their Circuits. So the good Hours should not be lost in idle Speeches, but the little time we have should be bestowed wholly on such businesses as are needful.

Feb. 22. The Queen being again come to the Upper House, the Commons present Edward Coke, Esq., Solicitor-General, as their Speaker. In answer to his Speech, the Lord Keeper replies, "To your Three Demands the Queen answereth, Liberty of Speech is granted you, but how far this is to be thought on, there be two things of most necessity, that do much harm, Wit and Speech. The one exercised in invention, the other in uttering things invented. Privilege of Speech is granted, but you must know what Privilege you have; not to speak every one what he listeth, or what cometh in his brain, but your Privilege is Aye or No. Wherefore, Mr. Speaker, her Majesty's Pleasure is, that if you perceive any idle heads, which will not stick to hazard their own Estates; which will meddle with reforming the Church, and transforming the Commonwealth; and do exhibit any Bills to such purpose, that you receive them not, until they be viewed and considered by those, who, it is fitter should consider of such things, and can better judge of them.

To your Persons, all Privilege is granted, with this Caveat, that under colour of this Privilege, no man's ill-doings, or not performing of duties, be covered and protected.

Free Access is granted to her Majesty's Person, so that it be upon urgent and weighty causes, and at times convenient; and when her Majesty may be at leisure from other important cares of the Realm.

Feb. 24. Mr. Peter Wentworth, and Sir H. Bromley, deli-

Of the vast Supply granted by the Parliament, Lord Coke observes "It was a grievous Precedent, and this Tax was the first that broke the circle, and made way for much greater than this afterwards." He adds, that "in former times, over and above the subsidy of Tonnage and Poundage, the Commons never gave above one Subsidy and Two Fifteenths, sometimes less; one subsidy usually amounting to £70,000, and each 15th to about £29,000." The subsidies of the Clergy were computed at £20,000 and they never exceeded one Subsidy, till this time. See also a list of Subsidies granted during former Reigns. P. H. IV., 324. It is said of the Queen, that she would never suffer the subject of a Poll tax, which had been proposed in the reign of Edw. VI, so much as to be mentioned. 341.

An interval of nearly four years occurs without a Parliament.

1593.

A. R.

35

vered a Petition to the Lord Keeper, desiring the Lords to be suppliant with the Lower House, unto her Majesty, for "Entailing the Succession of the Crown;" for which they have a Bill ready drawn.

They are called before the Council, and told, her Majesty was so highly offended, that they must be committed accordingly.

Four Members concerned are committed to the Tower and Fleet.

Feb. 26. The business of a Supply is moved in the Commons, which occasions a long debate.

Mr. Francis Bacon speaks to the following effect, "The Cause of assembling all Parliaments hath been hitherto for Laws or Money: the one being the Sinews of Peace, the other of War. To the one, I am not privy, but the other, I should know. I did take great contentment in her Majesty's Speech the other day delivered by the Lord Keeper, how that it was a thing not to be done suddenly nor at one Parliament. Scarcely a whole year would suffice to purge the Statute Book, and lessen the volume of Laws; being so many in number, that neither Common people can practise them, nor the Lawyer sufficiently understand them, than the which nothing should tend more to the praise of her Majesty. The Romans appointed Ten Men who were to correct and recall all former Laws, and to set forth those Twelve Tables so much of all men to be commended. The Athenians likewise appointed Six for that purpose. Lewis the IXth, King of France, did the like in reforming his Laws." He then moves the appointment of a select and grave Committee, both to consider of the dangers of the Realm and of Speedy Supply and Aid to her Majesty. A Committee is accordingly nominated.

Feb. 27. A Debate takes place on a Motion for a Bill to reform the Abuses of the Ecclesiastical Courts.

Dr. Lowen shews "That as the natural body delighted in change, so was it also in the politic body, greedy of alteration. This eversion of Bishops had long been sought for, and in shooting at their Jurisdiction, the aim was at their Places, as being no more able to stand the one without the other, than a House without a foundation. He approved of Monarchies, and in the most famous Monarchies of the world, this Government, exercised by Bishops, was used. The Bishops are such a part of the Body politic as without them, it could be no Body."

The Bill is laid aside to avoid giving offence to the Queen. The Mover, *Mr. Morrice*, is sent for to Court, and committed to the custody of Sir John Fortescue, Chancellor of the Exchequer.

Feb. 28. The Chancellor of the Exchequer reports from the Committee that they had agreed that Two Entire Subsidies, and 4 Fifteenths and Tenths, shall be granted; which is also agreed by the whole House.

March 1. The Lords desire a Conference thereupon. Upon which a Debate ensues.

Mr. Francis Bacon says, "He yielded to the Subsidy, but disliked that this House should join with the Upper House in the granting of it. For the Custom and Privilege of this House hath always been, first to make an offer of the Subsidies, from hence, then to the Upper House; except it were that they present a Bill to this House, with desire of our assent thereto, and then to send it up again. And Reason it is, that we should

stand upon our Privilege, seeing the Burthen resteth upon us as the greatest number, nor is it reason the Thanks should be theirs. In joining with them in this Motion, we shall derogate from ours; for the thanks will be theirs, and the blame ours, they being the first Movers. I wish we should proceed, as heretofore, apart by ourselves, and not join with their Lordships.

After much debate, the Speaker puts the Question "For a Conference or not." On a division, it is negatived, by 217 against 128.

March 5. A Motion for a *general* Conference is assented to by the whole House.

Mr. Fulke Greville. "Precedents are but examples of things past. Every Example ought to be stronger than the thing we fear. If the thing be otherwise, and our necessity greater, the former doings are no rules to us. Precedents as they are not to be rejected, so they ought not to be eternal."

March 10. *Mr. Wroth* moves, that, since some Counties might complain of these very large Taxations, their Knights and Burgesses never consenting, not being present at the Grant, the House be humble Suitors to her Majesty, that she would be pleased to set at liberty those Members who are restrained.

All the Members of the Privy Council oppose the Motion, as her Majesty had committed them for reasons best known to herself, and it was not to be doubted she would, of her gracious disposition, shortly do it of her own accord.

March 12 and 13. A Bill is brought in against the Puritans, which afterwards passes.

March 22. A Bill for a Grant passes the Commons. They humbly request, that "these large and unusual Grants, which were made to a most excellent Princess, on a most pressing and extraordinary occasion, may not at any time hereafter be drawn into a Precedent."

April 5. (Thursday.) In the Lords, Ordered: A Contribution to be made from all the Temporal Lords, excepting Barons, of 40s; of all Bishops, 30s; and of Barons, 20s, for the relief of Soldiers maimed in the Wars of France, &c.; and all Lords absent this Session, &c., to be required and charged to pay "the double the Sums paid by the Lords present," the Lords Temporal, &c., £4; Bishops, £3; Barons, £2; also those Lords, sometimes present, yet seldom, to pay one third more than the Lords present.

April 10. After many other matters done, relating to Elections, Privilege from Arrests, &c., &c., the Queen comes to the House of Lords, and having called up the Commons, passes the Bills, and by the Lord Keeper, *dissolves* the Parliament.

The Speaker, in his Speech to the Queen, at the close of the Session, takes occasion to allude to the origin of the High Court of Parliament, the greatest and most ancient Court within the Realm. "Before the Conquest, in the High Places of the Saxons, we read of a Parliament holden; and since the Conquest, they have been holden by all your noble Predecessors, Kings of England. In the time of the West Saxons, a Parliament was holden by the noble King Ina, by these words: I Ina, King of the West Saxons, have caused all my Fatherhood, Aldermen and Wisest Commons, with the Godly men of my Kingdom, to consult of weighty Matters, &c. Which words do plainly shew all the parts of this High Court still observed to this day. The Fatherhood, in ancient time, were these we call Bishops, and

1593.

A. R.

35

still we call them Reverend Fathers, an ancient and chief part of our state. By Aldermen, were meant your Noblemen. So honorable was the word Alderman in Antient time, that the Nobility only were called Aldermen. By Wisest Commons, is meant and signified Knights and Burgesses, and so is your Majesty's Writ, 'de discretioribus et magis sufficientibus.' By Godliest men, is meant your Convocation House. It consisteth of such as are devoted to Religion. And as Godliest men do consult about Weightiest Matters, so is your Highness's Writ at this day, 'pro quibusdam arduis et urgentibus negotiis, nos, statum et defensionem Regni nostri et Ecclesie tangentibus.'

The Lord Keeper answers the Speaker's oration to the following effect, "That her Majesty did most graciously accept of these Services and devotions of this Parliament, commending them that had employed the time so well, and spent it in so necessary affairs, save only, that, in some things, they had spent more time than needed. But she perceived some men did it more for their satisfaction, than the necessity of the thing. She misliked also that such irreverence was shewed towards Privy Counsellors, who were not to be accounted as Common Knights and Burgesses of the House, that are Counsellors only during the Parliament; whereas the other are Standing Counsellors, and, for their Wisdom and great Service, are called to the Council of the State. (o)

1597.

A. R.

39

Oct. 24. A Parliament (IX.) is held at Westminster.

Writs issue to the Marquis of Winchester, 16 Earls, 2 Viscounts, 37 Barons, (Chivalers.)

Sir Thomas Egerton, Keeper of the Great Seal, declares the Cause of Summons; and, among other matters, states, that, whereas the number of Laws already made is very great, some also being obsolete and worn out of use, others idle and vain, serving to no purpose; some again over heavy and too severe for the offence; others too loose and slack for the faults they are to punish; and many so full of difficulties, that they cause many Controversies; you are to enter into a due consideration of the said Laws; and where you find Superfluities, to prune and cut off; where defect, to supply; and where ambiguity, to explain; that they be not burthensome, but profitable to the Commonwealth, &c.

One Archbishop, 4 Earls, Ten Bishops, 6 Barons, (newly created), are introduced.

It is ordered in the *Lords*, that the Journal Books kept by the Clerk of Parliament, shall be viewed and perused every Parliament by certain Lords, appointed for that purpose, and the List of the Lords in their order be subscribed by them, taking unto them, for their better information, the King at Arms.

The *Lord Treasurer* moves, that such Lords as are absent from Parliament, and have not sent their Proxies, and such others as were in the beginning of the Parliament, and have not since attended, be admonished to reform the same.

Oct. 27. The *Commons* present Mr. Serjeant Yelverton, as Speaker, who is accepted. He had previously excused himself in the following terms: "Whence your unexpected Choice of

me to be your Mouth or Speaker, should proceed, I am utterly ignorant. If from my merits, strange it were that so few deserts should purchase, suddenly, so great an honour. Nor from my ability doth this your choice proceed; for well known it is to a great number in this place now assembled, that my Estate is nothing correspondent for the maintenance of this dignity; for my Father, dying, left me a younger brother, and nothing to me but my bare annuity. Then growing to Man's Estate and some small practice of the Law, I took a wife, by whom I have had many Children, the keeping of us all being a great impoverishment to my Estate, and the daily living of us all nothing but my daily industry. Neither from my Person, nor nature, doth this choice arise; for he that supplieth this Place ought to be a Man big and comely, stately and well spoken, his voice great, his courage majestic, his nature haughty, and his purse plentiful and heavy: but contrarily, the stature of my body is small, myself not so well spoken, my voice low, my carriage Lawyer-like, and of the common fashion, my nature soft and bashful, my purse thin, light, and never yet plentiful. Wherefore, I now see the only cause of this choice is, a gracious and favorable censure of your good and undeserved opinions of me. But I most humbly beseech you, recall this your sudden election, &c. &c."

1597.
A. D.
39

According to the custom of the later Protestant Parliaments, the Speaker then reads the following Prayer, which he had made, to be read by him every morning during the Session.

"O Eternal God, Lord of Heaven and Earth, the great and mighty Counsellor, we thy poor Servants, assembled before thee, in this honourable Senate, humbly acknowledge our great and manifold sins and imperfections, and thereby our unworthiness to receive any grace and assistance from Thee; yet, most Merciful Father, since, by thy Providence, we are called from all parts of the Land to this famous Council of Parliament, to advise of those things which concern thy glory, the good of thy Church, the prosperity of our Prince, and the weal of her People, we most entirely beseech Thee, that pardoning all our sins in the blood of thy Son, Jesus Christ, it would please Thee, by the brightness of thy Spirit, to expel darkness and vanity from our minds, and partiality from our speeches; and grant unto us such wisdom and integrity of Heart as becometh the Servants of Jesus Christ, the Subjects of a gracious Prince, and Members of this honourable House. Let us not, O Lord, who are met together for the public good of the whole Land, be more careless and remiss than we use to be in our own private causes. Give grace, we beseech Thee, that every one of us may labour to shew a good conscience to thy Majesty, a good zeal to thy word, and a loyal heart to our Prince, and a Christian love to our Country and Commonwealth. O Lord, so unite and conjoin the hearts of her excellent Majesty and this whole Assembly, as they may be a three-fold cord not easily broken; giving strength to such Godly Laws as be already enacted, that they may be the better executed, and enacting such as be farther requisite for the bridling of the wicked, and the encouragement unto the godly and well affected Subjects, that so thy great blessing may be continued towards us, and thy grievous judgments turned from us. And that only for Christ Jesus sake, our most glorious and only Mediator and Advocate, to whom, with thy blessed Majesty, and the Holy Ghost, be given all

1597. honor and praise, power and dominion, from this time forth for
A. N. ever more."

39

Nov. 8. *Mr. Francis Hastings* moves, "for the Abridgment and Reforming the excessive number of superfluous and burthensome Penal Laws," and a Committee is appointed to consider a Bill for that purpose.

Nov. 15. The Chancellor of the Exchequer moves for a Supply. A Committee is appointed, and a Bill for a Grant of Three Subsidies and Six Fifteenthths and Tenthths, passes the House, on the 14th Dec., when it is sent up to the Lords.

Dec. 20. The House is adjourned to Jan. 11.

Feb. 9. The Queen comes to the House of Lords in the afternoon, and the Commons being summoned, the Speaker, after three Reverences to her Majesty, addresses her in his usual Speech. The Lord Keeper replies. The Royal Assent is given to 15 Private and 28 Public Acts, and the Parliament is dissolved. (p)

1601.

A. N.

43

Oct. 27. A Parliament (X.) meets at Westminster.

Writs are issued to Thomas Egerton, Knight, Keeper of the Great Seal, to 16 Earls, 2 Viscounts, and 33 Barons (Chivaliers.)

The Queen and Lords Spiritual and Temporal being assembled in the Upper House, and the Commons having received notice to attend, they arrive too late. The Door is shut against them, till the Lord Keeper had finished his Speech. Much discontented they return back, and one of the Barons of the Cinque Ports addresses Mr. Comptroller of the Household, telling him the wrongs done to the Members, and humbly desiring that the reason thereof may be imparted for their satisfaction. Mr. Comptroller, answers that he thinks the request reasonable and meet, and that it shall be done at a convenient time, imputing at the same time the fault wholly to the Gentleman Usher of the Upper Chamber.

October 30. The Commons present John Croke, Esq., Recorder of London, for their Speaker, who makes his usual Speech and is answered by the Lord Keeper, partly to the following effect: "For Liberties to yourselves and Persons, her Majesty ever intendeth to preserve the Liberties of the House, and granteth freedom even unto the meanest Member: But her Majesty's pleasure is, you should not maintain and keep with you notorious persons either for life or behaviour, and desperate Debtors who never come abroad, fearing Laws, but at these times; Pettifoggers and Vipers of the Commonwealth; prolling and common Solicitors, that set dissention between man and man; and men of the like condition to these. These her Majesty earnestly wisheth a Law may be made against; as also that no Member of this Parliament would entertain or bolster up any man of the like humour or quality, on pain of her Highness's displeasure." She willeth you, also, not to make new and idle Laws, and trouble the House with them, but rather look to the abridging and repealing of divers obsolete and superfluous Statutes."

Nov. 3. *Mr. Secretary Cecil* recapitulates the Heads of the Lord Keeper's first Speech, and a Committee is appointed to certify to the House what were the most important matters which they had to handle.

Nov. 4. Another Committee is appointed to regulate Elections and Returns. 1601.

Nov. 5. *Sir Robert Cecil* moves the House, "To have their Opinions, in that there wanted a Chief Member, a Knight for Denbighshire, in consequence of a great riot and disturbance on the County Court Day, so that the Sheriff had it not in his power to execute the Writ; and he thought it fit, Mr. Speaker should attend my Lord Keeper therein. A. A. 43

Sir Edward Hobby. The motion is good, but the form not fitting the state of this House. Mr. Speaker shall attend my Lord Keeper—attend? The Speaker is the Mouth of the whole Realm; and that the whole State of the Commonalty should attend one Person, I see no reason.

Mr. Speaker. The order of the House is, "That a Warrant must go from the Speaker to the Clerk of the Crown, who is to inform the Lord Keeper, and then to make a new Writ,"

Nov. 7. A Committee on the Subsidy sits.

Sir Walter Raleigh speaking low—*Sir Edward Hobby* says, we cannot hear you: speak out. You should speak standing, that so the House may hear you better.

Sir Walter Raleigh. "Being a Committee, he might speak either sitting or standing;" and so he repeats his Speech.

Mr. Secretary Cecil. Because it is an argument of more reverence, I choose to speak standing.

Nov. 9. A Bill is brought in to repress the multitude of Common Solicitors, who set dissensions betwixt man and man, and like a snake cut in pieces, crawl together to join themselves again, to stir up evil spirits of dissension.

The subject of the Supply is again debated.

Serjeant Heyle. "Mr. Speaker, I marvel much that the House will stand upon granting a Subsidy, or the time of payment, when all we have is her Majesty's; and she may lawfully, at her pleasure, take it from us. Yea, she hath as much right to all our Lands and Goods, as to any Revenue of her Crown." All the House hem, and laugh, and talk. "Well, all your hemming shall not put me out of countenance."

Mr. Speaker. It is a great disorder that this should be used; for it is the ancient use for every man to be silent when any one speaketh; and he that is speaking should be suffered to deliver his mind without interruption.

The Serjeant proceeds; but as the House hems again, he is obliged to sit down.

Mr. Montague. Although her Majesty requires this at our hands, it is in us to give, not in her to exact of duty.

Bills against Pluralities of Benefices, the Sin of Adultery, and against Monopolies, are read.

The last subject produces much debate and confusion.

Mr. Secretary Cecil. "I have been a Member of this House in six or seven Parliaments, yet never did I see the House in such confusion. I believe there never was, in any Parliament, a more tender point handled than the Liberty of the Subject. But that when any is discussing this point, he should be cried and coughed down, is more fit for a Grammar School than a Court of Parliament. I have been a Counsellor of State these twelve years, yet did I never know it subject to construction of levity and disorder. Much more ought we to be regardful in so great and grave an Assembly. We have had Speeches upon Speeches, without either order or discretion."

1601.

A. R.

43

Nov. 14. (Saturday.) In the *Lords*, a Case of Privilege occurs concerning the arrest of William Hogan, her Majesty's Ordinary Servant. The Clerk is ordered to shew Precedents touching Arrest of Persons Privileged by Parliament. Four Precedents are brought; 27th Elizabeth, Tuesday, December 10; 27th Elizabeth, Monday, December 7; 39th Elizabeth, November 26; 14th Elizabeth, June 30; as also 34th Henry VIII. Stay is made of the Proceedings, as requiring a fuller House, till Thursday, 19th.

A. R.

44

Nov. 19. Ordered, in the *Lords*, the said Servant to enter into sufficient Bond for Satisfaction of his Debts, and thereupon to be discharged out of Prison and Execution. The Under-Sheriff and others that did arrest or assist, are to appear before the *Lords* on Saturday the 21st.

Nov. 23. The Under-Sheriff is committed to the Fleet.

Nov. 25. After a debate of several days on the subject of Monopolies, the Speaker acquaints the House, by the Queen's Order, that the Monopolies shall be revoked. Upon which a Motion of Thanks is carried.

Nov. 30. The Speaker, and about "Seven Score of the Commons," are admitted to her Majesty, when, after Three Reverences, the Speaker addresses the Queen, who makes a long reply.

Dec. 2. (Wednesday.) In the *Lords*, the Earl of Shrewsbury claims Privilege for his Servant, who had been arrested and committed to Newgate.

Dec. 3. The Keeper of the Prison of Newgate having refused, notwithstanding an Order of the *Lords*, to bring the said Servant into the High Court of Parliament, he is committed to the Fleet.

An Order is made to search out Precedents, and that a Writ of Privilege of Parliament be issued by the Lord Keeper to the Sheriffs of London and Middlesex, to bring up the body of the said William Vaughan before the High Court of Parliament, To-morrow, at eight A. M.

Dec. 4. William Vaughan is brought into the Court by the Under-Sheriff, and is ordered to be discharged forthwith, and enter into a Bond for the amount of his Debt. Crayford, who had fraudulently and maliciously laid on the said William Vaughan divers Writs of Execution, &c., is ordered to be committed close Prisoner to the Fleet, and the Keeper of Newgate to be discharged.

Dec. 5. The Bill for granting Four Entire Subsidies, and Eight Fifteenths and Tenths, passes, and is concluded in the *Lords* on the 15th.

A Debate takes place on a Bill for resorting to Church.

Mr. Bond. I wish the Sabbath sanctified according to the precise rules of God's Commandments, but I wish that St. Augustin's Rule may be observed, "Non jubendo, sed docendo; magis monendo, quam minando."

After many Speeches, the Bill is Committed.

Dec. 12. A further debate takes place on this Bill, and it is put to the Question; when the votes are, Ayes 105, Noes 105.

The Speaker being called on to give his voice for the Bill, it grows a Question, whether he has a vote.

It is said by Sir Walter Raleigh, and confirmed by the Speaker, "That he was foreclosed of his voice by taking that place; and that he was to be indifferent to both Parties; and therefore, by order of the House, the Bill is lost."

Mr. Bonyer. I think it not lost for there hath been foul and great abuse. A gentleman who would vote according to his conscience, was pulled back. 1601. A. R.

Sir W. Raleigh. It is a small matter to pull one by the sleeve, for so I have done myself oftentimes. ("There was loud speech and stir in the House.") 44

Mr. Comptroller. It is a most intolerable disorder. I think it so heinous, that the offender (who had been named) deserves to answer it at the Bar of the House.

Mr. Secretary Cecil. I am sorry to see this disorder, and little do you know how this Parliament is taxed, I am sorry I cannot say slandered. I had hoped, as we began gravely and with judgement, we should have ended modestly and with discretion. The Noes were 106, the Ayes 105, the Speaker hath no voice; and, though I am sorry for it, the Bill is lost, and farewell to it.

Dec. 19. The Queen being in the Upper House, with the Lords Spiritual and Temporal in their Parliament Robes, between 2 and 3 o'clock, in the afternoon, the Commons receive notice, and attend with their Speaker, who makes a Speech and is answered by the Lord Keeper. The Queen then gives assent to 19 Public and 10 Private Acts, and the Parliament is dissolved.

During the Session, a Bill was read twice in the Lords and committed. When the Archbishop of Canterbury, Chairman of the Committee, returned the Bill to the House, with certain Amendments, they were twice read, and ordered to be engrossed. The Bishop of London, one of the Committee, offering to speak to the Bill, or to the Amendments, a Question was moved by the Earl of Nottingham, Lord Steward, "Whether it was agreeable to the good order and ancient custom of that House, that the said Bishop, being one of the Committee, and dissenting from the rest, might speak thereto upon the bringing in and presenting the Amendments?" It was carried, "That any Member of a Committee might speak in this case, either to the Body of the Bill, or to the Amendments, before they were engrossed." Order was given that this Resolution should be entered in the Journals, for clearing the same doubt, if it should happen to arise.

On the Third Reading, many objections being taken by the same Bishop and other Lords, the House is divided in opinion, whether the Bill should be put to the Question or not. Many Lords desire that any Defects may be rather reformed, than, by this question, put it to the hazard of being rejected. Another method is proposed, and the Question put, "Whether the said Bill having been referred to a Committee, at the Second Reading, and by them returned with some Amendments, and thereupon ordered to be engrossed, might after the engrossing, and the Third Reading, be re-committed or no."

The numbers pro and con being equal; it was judged that the negative Part, who were against re-committing the said Bill should prevail; following, as the Lord Keeper said, the usual rule in Law, That when the Negatives and Affirmatives are equal, "Semper presumitur pro Negativo."

The Question being put, whether the Bill should pass or no? it was by the Majority rejected. (q)

(q) Dugdale. P. H. IV. 422-507. By the Lords' Journals, it appears that the whole business of the Session was trying complaints upon Breaches of Privilege, and

JAMES I.

(March 24, 1603.)

1603.
A. D.
1

In consequence of a dreadful visitation of Plague, which broke out in the City of London, and its Neighbourhood, and carried off above 30,000 people, the King and Council were prevented calling a Parliament, as usual, after a new Accession.

In the following year, previously to summoning his first Parliament, the King published a long Proclamation, containing, among other things, the following remarks :

"To the intent that this Assembly of our Parliament being grounded upon so sincere an intent on our part, may be matched with a like integrity on theirs, and as it is the first in our reign, so to be found not only worthy of the high title it beareth to be the highest Council of the Kingdom, but also to be a precedent for hereafter of the true use of Parliaments, we have bethought ourselves of as many ways and means as may be, to prevent those inconveniences, which daily rise and multiply by the perverting of those ancient good orders which were devised by the wisdom of former times, to be observed in calling of Parliaments; amongst which, because there is no one point of greater consequence than the well chusing of Knights and Burgesses, who as they do present the Body of the third Estate; so being eligible by multitude, there are often many unfit Persons appointed for that service, and where it is so well known to every private man of wit and judgement, much more to us who have had so long experience of Kingly government, how ill effects do follow, when such as have to do in matters of Commonwealth, shall come to that great and common Council, with others than public minds, sincere, and void of any factious humour, or dependency: We do hereby straitly charge and admonish all Persons interested in the choice of Knights for the Shires, first, that the Knights for the County be selected out of the principal Knights or Gentlemen of sufficient ability within that County, wherein they are chosen; and for the Burgesses, that choice be made of men of sufficiency and discretion without any partial respects, or factious combination, which always breed suspicions that more care is taken to compass private ends, than to provide for making good and wholesome Laws for the Realm; and because it is no more possible to draw sound councils and resolutions from inconsiderate or insufficient spirits, than to have a sound or healthful body, composed of weak and imperfect members; we so likewise admonish all persons to whom it doth appertain, that seeing the dealing in causes of Parliament requires conveniency of years and experience, there may be great heed taken, by all those that will be accounted lovers of their country, that both Knights and Burgesses may be chosen accordingly, without desire in any particular men to please Parents or Friends, that often speak for their Children or Kin, though they be

when the Parliament was drawing to a close, the Lord-Keeper informed them, that her Majesty required them to spend the time which remained, in matters concerning the Public, and not on private business.

very young, and little able to discern what Laws are fit to bind a Commonwealth; to the consultation whereof those persons should be selected principally, of whose gravity and modest conversation men are likeliest generally to conceive best opinion. Next and above all things considering, that one of the many Pillars of this Estate is the preservation of unity in the profession of sincere religion of Almighty God, we do also admonish, that there be great care taken to avoid the choice of any Persons, either noted for their superstitious blindness one way, or for their turbulent humours other ways, because their disorderly and unquiet spirits will disturb all the discreet and modest proceeding in this greatest and gravest Council. Farther, we do command, that an express care be had that there be not chosen any Persons bankrupts or outlawed, but men of known good behaviour and sufficient livelihood, and such as are not only taxed to the payment of subsidies, and other like charges, but also have ordinarily paid and satisfied the same; nothing being more absurd in any Commonwealth, than to permit those to have free voices for Law making, by whose own acts they are exempted from the Law's protection. Next, that all Sheriffs be charged that they do not direct any precept for electing or returning of any Burgesses to or for any Ancient Borough Town within their Counties, being so utterly ruined and decayed, that there are not sufficient Residents to make such choice, and of whom lawful Election may be made; also to charge all Cities and Boroughs and the inhabitants of the same, that none of them seal any Blanks, referring or leaving to any other, to insert the names of any Citizens or Burgesses to serve for any such City or Borough, but do make open and free Election according to the Law, and set down the names of the Persons whom they choose before they seal the certificate. Furthermore, we notify by these presents, that all returns and certificates of Knights, Citizens, and Burgesses, ought and are to be brought to the Chancery, and then to be filed of Record; and if any shall be found to be made contrary to this Proclamation, the same is to be rejected as unlawful and insufficient, and the City or Borough to be fined for the same, and if it be found that they have committed any gross or wilful default and contempt in their Election, return or certificate, that then their liberties, according to the Law, are to be seized into our hands as forfeited; and if any Person take upon him the place of a Knight, Citizen, or Burgess, not being duly elected, returned and sworn, according to the Laws and Statutes in that behalf provided, and according to the purport, effect and true meaning of this our Proclamation; then every Person so offending, to be fined and imprisoned for the same. We do, also, hereby give warning to the Lords and others, that are to serve in this Parliament, to have special care, as they tender our displeasure, that they admit none to have the name or countenance of their servants and attendants during the Parliament, thereby to be privileged, seeing such questions of Privileges have, in times past, consumed a great part of the time appointed for the Parliament, whereby the service for the Realm hath been hindered, and the Subjects drawn to great charges and expenses by attending much longer than otherwise needed."

1603.

A. D.

1

March 19. (Monday.) A Parliament (I.) is held at Westminster.

1604.

A. D.

1

1604.

A. B.

1

Writs are issued to Thomas Egerton, Knight, Keeper of the Great Seal, Thomas, Earl of Dorset, Lord High Treasurer, William, Marquis of Winchester, Lord Great Chamberlain, Edward, Earl of Worcester, Earl Marshall, Charles, Earl of Nottingham, Lord High Admiral and High Steward, Thomas, Earl of Suffolk, Chamberlain of the Household; to the Earls of Northumberland, Shrewsbury, Kent, Derby, Rutland, Cumberland, Sussex, Huntingdon, Bath, Southampton, Bedford, Pembroke, Lincoln, Devon, Exeter, Northampton, Montgomerie, Arundel; Viscounts Montague, Howard de Byndon; Barons Tuchet de Audley, Zouche de Zouche, West de la Warre, Berkeley de Berkley, Parker de Morley, Stafford de Stafford, Scrope de Bolton, Sutton de Dudley, Lumley de Lumley, Sturton de Sturton, Herbert, (*eldest Son of the Earl of Worcester*), Darcie de Menell, Parker de Montegle, (*eldest Son of Baron Morley*), Sandys de Vyne, Windsor, Mordaunt, Cromwell, Evers, Wharton de Wharton, Riche, Ogle de Ogle, Cecil de Burghley, Willoughby de Parham, Sheffield, Darcie de Chiche, Howard de Effingham, (*eldest Son of the Earl of Nottingham*), Chandos de Sudeley, Caryl de Hunsdon, St. John de Bletso, Compton, Norris de Ryote, Cecill de Esingden, Sidney de Penshurst, Knollys de Grays, Wotton de Marley, Russell de Thornhaugh, (afterwards Earl of Bedford), Grey de Groby, Petre de Wittel, Harrington de Eaton, Danvers de Dantsey, Gerard de Gerards Bromley, Spenser de Wormeleyton, Fynes de Say and Sele, Stanhope de Harrington, Arundell de Warder, Cavendish de Hardwick, North de Kirtling, Nevill de Bergavenny, Howard de Walden, (*eldest Son of the Earl of Suffolk*), Denney de Waltham, Carew de Clifton, Clynton de Say, (*eldest Son of the Earl of Lincoln*), Chivalers.

For Bedfordshire, are returned 4 Members; Bucks, 8; Berks, 9; Cornwall, 44; Cumberland, 4; Cambridgeshire, 6; Cheshire, 4; Derbyshire, 4; Devonshire, 18; Dorsetshire, 18; Essex, 8; Gloucestershire, 8; Huntingdonshire, 4; Hertfordshire, 4; Herefordshire, 6; Kent, 10; Lincolnshire, 12; Leicestershire, 4; Lancashire, 14; Middlesex, 8; Monmouthshire, 3; Northamptonshire, 9; Nottinghamshire, 6; Norfolk, 12; Northumberland, 8; Oxfordshire, 9; Rutlandshire, 2; Surrey, 14; Staffordshire, 10; Shropshire, 11; Southamptonshire, 26; Suffolk, 14; Somersetshire, 14; Sussex, 18; Westmoreland, 4; Wiltshire, 34; Worcestershire, 9; Warwickshire, 6; Yorkshire, 23; Cinque Ports, 14; Wales, 24. For England, 443; Wales, 24. Total, 467. (r)

The King comes in a Chariot of State, the Prince of Wales, with the Lords Spiritual and Temporal, in their Parliamentary Robes, on Horseback, from Whitehall to Westminster. Seated on his Throne, the King declares the Cause of Summons in a

(r) See Form of Writs, &c., Commons' Journals, I. 140; also Parl. Hist., V. 9, where the errors in Dugdale's List are corrected from the Lords' Journals.

| | |
|---|-----|
| Of this number of Commons the Knights were..... | 231 |
| Esquires | 140 |
| Gentlemen | 71 |
| Merchants | 9 |
| Mayor | 1 |
| Aldermen | 9 |
| Doctors of Law | 4 |
| Serjeant at Law | 1 |
| Baron Lord Clinton and Saye | 1 |

Of whom 14 were Barons of the Cinque Ports.

very long Speech. The Lord Chancellor makes a Second Address, according to the usual Form, 1604.

"*Literæ Procuratorum in hoc Parlamento, sunt allatæ.*"

A. R.

1

March 22. Sir Edward Phillips, Knight, Speaker of the House of Commons, is brought up by Sir John Stanhope, Knight, Vice-Chamberlain, and by Sir John Herbert, Knight, second Secretary of State to his Majesty.

Five Bills are read of Restitutions to Blood, namely, of Henry, Earl of Southampton, of the Son and 2 Daughters of Robert, late Earl of Essex, of William Pagett, only son of Thomas, late Earl of Pagett, of Charles Pagett, Esq., and of Thomas, only son of Philip, late Earl of Arundell.

On motion for a Conference with the Commons, on Message from them, the Lords agree, and having many matters of importance with the Commons, desire them to increase the number of their Committees, which they intend to have been but 24.

March 23. In the Commons, this first day of business is, after Prayers, occupied in regulating Elections and ascertaining Privileges.

A Member coming up to hear the King's Speech, has the door shut upon him, which is resented as an affront to the whole House. But the House is contented on the offending Yeoman of the Guard asking Pardon for his fault, and on his knees, at the Bar, receiving a Reprimand from the Speaker.

The Speaker informs the House, that if any Burgess is returned for two Places, or any Member of the House is deceased during the time of Session, the ancient course was, for the Speaker, in the name of the House, to direct a Warrant, under his hand, to the Clerk of the Crown, to make forth a Writ for a new Election. (s)

March 26. A Member makes a Motion in the Commons, against Hissing, to the interruption and hindrance of the Speech of any Man in the House, a thing derogatory from the dignity, not becoming the gravity, and as much crossing and abating the Honour and Privileges of the House as any other Abuse whatsoever. The Motion is well approved. A. R. 2

March 27 to April 13. The Houses are occupied with a case respecting the Liberties and Privileges of the Commons. Sir Francis Goodwin, Knight, having been, on a first Writ of Summons directed to the Sheriff of Bucks, elected the first Knight of that Shire, the Return of his Election was refused by the Clerk of the Crown, "*Quia utlegatus*" (outlawed). Upon a second Writ, Sir John Fortescue was elected. After long Debate, it is Resolved, "Sir F. Goodwin was duly elected, and, de Jure, ought to be received." He takes the Oath of Supremacy, and his Place in the House. On a desired Conference with the Lords touching this Case, it is said, That, in no sort, should they give account to the Lords of their Proceedings in the House, and it is Resolved that they shall have no Conference, stating, by Message, "That they do conceive it does not stand in honour and order of the House, to give account of any of their Proceedings and Doings." The Lords reply, "That taking notice of this Return, and acquainting his Majesty with it, his Highness conceives himself engaged and touched in honour that there may be a

(s) In the Journals, *Dies Saturni* is first substituted for *Dies Sabbati*, on Saturday, March 24, 1604.

1604.

A. D.

2

Conference, signifying this his pleasure to them, and by them, to this House."

March 28. Having obtained permission of access to his Majesty at Eight, A.M., the *Commons* previously meet at Six, to treat on what shall be delivered, touching the Reasons of their Proceeding. The Speaker shews that the Writ was issued duly, the Liberty free by that Writ to choose "in pleno Comitatu;" the Election was made according to that Writ, and the Indenture duly returned; and therefore adjudged by the House. That this first Election being good, the Second was consequently void. He farther shews, that the alleged Outlawry was no Outlawry at all.

The King desires that the *Commons* will admit a Conference with the Judges, and make the Report of all Proceedings to the Council.

March 29. In the *Lords*, the Bill for the Recognition of the Crown, &c., passes.

March 30. In the *Commons*, the above Recommendation of the King, is debated at great length.

March 31. In the *Commons*, Sir William Morrice begins the Motion, "For the Union, and for the Name of Great Britain."

April 2. (Monday.) It is Carried by a general voice, that there shall be no Conference.

A Committee is appointed to set down the Reasons of the Proceeding of the House; which contain answers to the following Objections:

(1.) That we assume power of examining the Elections and Returns of Knights and Burgesses, which belongeth to his Majesty's Chancery, and not to us: For, that all Returns of Writs are examinable in the Courts where they are returnable; and the Parliament Writs being returnable into the Chancery, the Returns of them must needs be there examined, and not with us.

Our answer is, That, until the 7th Henry IV., all the Parliament Writs were returnable into the Parliament, and consequently the Returns there examinable. In which year, a Statute was made, that thenceforth every Parliament Writ, containing the Day and Place, where the Parliament shall be holden, should have the Clause, "Et Electionem, &c., nobis in Cancellariam nostram, &c., certifies indilate."

By this, although the form of the Writ be somewhat altered, yet the power of the Parliament to examine and determine of Elections, remaineth; for so the Statute hath been always expounded ever since, by use, to this day, &c. &c.

(2) That we dealt in the cause with too much precipitation, not seemly for a Council of gravity, and without respect to your most excellent Majesty, who had directed the Writ to be made; and being but half a body, and no Court of Record alone, refused conference with the *Lords*, the other half, notwithstanding they prayed for it.

Our answer is (among other things) "that there was no Conference desired until after our Sentence was passed, and then we thought, That in a matter private to our own House, which, by Rules and Orders, might not be by us revoked, we might, without any imputation, refuse to confer, &c., not doubting, that, though we were but part of a body, as to make new Laws, yet for any matter of Privileges of our House, we are, and ever have been a Court of ourselves, of sufficient power to discern and determine

without their Lordships, as their Lordships have used always to do for theirs, without us, &c. &c.

(3) That we have, by our Sentence of receiving Goodwin, admitted, "That Outlaws may be makers of Laws, which is contrary to all Laws."

We answer, "That we had already prepared an Act, 'That all Outlaws, henceforth, shall stand disabled to serve in Parliament,' but it did not appear to us, that Goodwin stood an Outlaw, by the Laws of England, at the time of Election."

(4) That we proceeded to examine the truth of the fact of Outlawry, and gave our sentence upon that; whereas we ought to have been bound by the Sheriff's return of the Outlawry from further examining, whether the party be Outlawed or not.

Our humble answer is, That the Precedents cited before, in our answer to the first objection, do prove the use of the Commons House to examine *Veritatem Facti*, in Elections and Returns, and they have not been peremptorily tied to allow the Return, &c., by which discreet proceeding, there is avoided the great inconvenience of giving liberty to Sheriffs, by untrue returns, to make and remove whom they list to and from the Parliament service, how much soever the Parties be in the judgment of the County or Borough, that elected them, &c.

April 4. The Commons "Reasons" are delivered to the Lords, and the following day the Speaker, by command, attends his Majesty, who, "as an absolute King," desires and commands that there might be a Conference between the House and the Judges, and that his Council may be present, not as Umpires to determine, but to report indifferently on both sides. It is *Resolved*, to confer with the Judges; and a select Committee is named, consisting of 21 Lawyers and 16 other Members. At this Conference, Sir Francis Bacon says, "That we did more now to King James, than ever was done since the Conquest, in giving account of our Judgments."

The King grants that the House is a Court of Record, and a Judge of Returns—he proposes that *neither member* may have place. A motion is made that it may be done by way of Warrant, and therein to be inserted, "That it was done at request of the King. It is said in the House (as anciently it hath been said) "That we lose more at a Parliament, than we gain at a Battle."

April 5. The Commons adjourn to Wednesday, 11th April, at eight, A. M.

April 12. By Mr. Speaker, the Commons present their humble Thanks to His Majesty for his gracious Presence and Direction at the hearing of this Cause.

April 13. The Warrant for a new Election of a Knight for Bucks, is read and allowed by the Commons.

Mr. Serjeant Sniggs brings up the Report of a Committee on Privileges, touching the difference in the Election of a Burgess for the Town of Cardigan, Wales. It alludes to the Statutes directing the form of Election for Wales, namely, 8 Hen. VI., c. 7; 23 Hen. VI., c. 15; 23 Hen. VI., c. 18; 35 Hen. VIII.

April 14. In the Lords, a Bill is read (L. 1) against the diminution of the Possessions of the Archbishopricks and Bishopricks, and for avoiding Dilapidations in the same.

The first motion for the Union is made, and on third reading (April 18) the Bill passes and is sent to the Commons.

April 16. It is moved, that some Course be thought on for

1604.

A. R.

2

1604.

A. B.

2

more certainty and less confusion in naming Committees; and proposed, that Three Urns or Pots, be provided, in one Pot the name of a Knight, in another that of a Citizen, in a third that of a Burgess, and that upon every Committee proposed, a young boy might put in his hand, and take such a number forth as the House shall direct, and those names to stand and be entered, by way of Lottery, for the present Committee." The plan is not approved, but a Committee is appointed to consider the matter.

The King, by message, wishing the House to confer with the Members of Convocation, it is urged, "that there is no precedent of a Conference with a Convocation, but that they would confer with the Bishops, as Lords of Parliament."

May 2, (Wednesday.) An abuse of Privilege by the Under-Sheriff of Salop is considered in the Commons.

May 5. In the *Lords*, a Bill is read for the Restitution in Blood, &c., of William Howard, youngest son of Thomas, late Duke of Norfolk, and of the Children of the Lady Margaret Sackville, daughter of the said Duke.

May 7. In the *Lords*, by a Writ of Summons, Lord Bartie de Willoughby is admitted "ad suum in Sedendo Eminentie locum, salvo cuique Jure suo."

May 8. In the *Lords*, the Lord Chancellor takes his seat, as Baron Ellesmere, next under Lord Wotton.

The Lord Cecyll, also, takes his place as Baron Cecyll of Essingden, next unto the Lord Norreys.

May 9. In the *Commons*, six Members, with the Serjeant and Mace, deliver Sir Thomas Shirley from the Fleet.

May 15. In the *Lords*, claim is made for the Bishop of Oxford's Servant, and an Order is made for a Habeas Corpus, &c.

May 17. In the *Commons*, it is *moved*, touching a Bill against a Burgess, which the King had sent for and retained, "That it might not be drawn into Precedent for any Speaker being trusted by the House, to deny to send a Bill which he receiveth, to withdraw it out of the House, to inform the King or any other, before the House be made acquainted with it."

May 19. In the *Lords*, claim of Privilege is allowed for the Servant of the Bishop of Durham.

On a Message from the Commons touching Wardships and a Respite of Homage, and their desire to present a Petition to the King, the Lords will give an answer.

In the *Commons*, Sir William Paddy entering into a long Speech, "de mera fide, et de sola fide," is interrupted, and a Rule is made, "If any Man speak not to the Matter in Question, the Speaker is to moderate."

A Motion is made for a Special Place, built and assigned for keeping the Register, Records, and Papers of this House, and for the Clerk and his Servants to attend and write in, for the Service of the House.

May 24. In the *Lords*, the Lord Chamberlain signifies, that his Majesty hath granted Leave to Lord Willoughby of Parham to be absent during this whole Session; and to the Lord Mordant, for some time.

May 26. By a Message to the Lords, the Commons complain of a Book on the Union, by the Bishop of Bristol, tending to the derogation and scandal of the Proceedings of the House.

The Lord Bergavenny, (by order and determination of the House, and by his Majesty's Direction,) restored to the Dignity of that Barony, and having received his Majesty's Writ and

Summons to the Parliament, is brought into the House in his 1604.
Parliament Robes, by the Lords Lawarr and Stafford, in their A. R.
Parliamentary Robes also, and takes his place and room next 2
above Lord Audley.

This day are read also his Majesty's Letters Patent, of 25th May, for Restitution of Lady Mary Vane and her Heirs, to the Dignity of the Barony Le Despencer.

The Lords propose to sit on Monday Morning in Whitsun Week, and desire the Commons to do the like.

The Commons answer, "Because they have not understood of any Precedent heretofore for sitting at such like time, &c. &c., they desire to be excused till Wednesday week next.

May 28. Privilege is claimed in the *Lords* for one of the Yeomen of his Majesty's Chamber. *Ordered*, a Habeas Corpus, and discharge, on Bond for payment of his Debt.

May 30. A Bill passes the *Lords*, for Reformation of divers Abuses in bringing into this Land, printing, buying and selling, seditious, Popish, vain, and lascivious Books.

In the *Lords*, Report is made by the Lord Chancellor, of a Conference held with the Lower House (26th May) concerning the Matter of Wards and Respite of Homage. The Lords advise forbearance as to any further dealing therein for divers considerations, and in respect of this his Majesty's First Parliament, which they think an inconvenient and unseasonable time.

The Lords agree to a Conference concerning a Book by the Bishop of Bristol, and appoint 24 to meet 50 of the Commons' House, on Saturday, 2d of June.

The Commons complain of this Book in favour of the Union, by the publishing of which they conceive wrong and dishonour done both to the Lower House and to the Lords themselves, in that the Secrets of the Houses are discovered, touching matters by them debated, by the Lords heard and allowed, by the Judges approved, and assented to by the King.

At the Conference, the Printers and Publishers are sent for, and confirm the Bishop of Bristol, as the Author.

June 5. In the *Lords*, the Bishop of Bristol makes acknowledgment of his error. He is sorry for it, confessing that he had erred in presuming to deliver a private Sentence in a Matter so dealt in by the High Court of Parliament; that it was done out of ignorance, and not out of malice towards either of the Houses, or any particular Member of the same, but only to declare his affection for the Union.

June 7. In the *Lords*, an Act is read for Restitution in Blood of Thomas Littleton, and the Children of John Littleton, Esq., deceased.

Lord Montegle claims Privilege for his Servant arrested, &c. *Ordered*, a Habeas Corpus to be awarded, &c.

An Order of the House of Commons, for avoiding Prejudice to any Persons or Members of that House, who took themselves to be misplaced in the Bill concerning the Commissioners between England and Scotland, is read and allowed, and ordered to be entered in the *Lords'* Journal Book.

June 14. A Bill for a Subsidy of Tonnage and Poundage is sent up to the Lords.

June 18. In the *Lords*, a Bill is read a second time, for a Subsidy of Tonnage and Poundage. The Lord Treasurer had perused the said Bill. He found some Omissions and Imperfections

1604.

A. R.

2

in the same, meet to be referred for his Majesty's Benefit and Service. A Conference is proposed thereon and accepted.

It is moved, that at the same time their Lordships' desire may be propounded, that means may be considered for a Relief and Subsidy to his Majesty.

Ordered. No absent Lords to be chosen Members of any Committee.

June 21. The Lords receive a Message from the Commons, stating: *First*, whereas at the late Conference touching matters of Religion, the Lord Bishop of London did exhibit an Instrument from the Convocation House, which they conceive to be prejudicial to both Houses of Parliament, they desire a Conference, and that the Lord Bishop of London may bring forth that Instrument. *Secondly*, They desire the Writing carrying the Bishop of Bristol's acknowledgements, may be likewise Entered and Recorded in the Commons House, and that the Book may be suppressed.

The Lords agree, in an answer, given on the 23d.

The Lord Chancellor signifies his Majesty's Pleasure, That the Lords should diligently attend the Service of Parliament, and that none should be absent without his Majesty's Special Licence.

June 23. The Lord Treasurer Reports on the Act for Tonnage and Poundage, "The Committee having advised with the Judges of the Realm, about the points of the Bill whereunto exception was taken, are *Resolved*, that, notwithstanding the said Exceptions, the Bill might pass as it was, without inconvenience or prejudice to his Majesty."

It is read a third time.

June 25. In the *Lords*, a Bill is read a third time for a due Execution of the Statutes against Jesuits, &c.

The Lord Montague declares not only his open and earnest dissent, but undertakes the defence of the Popish Religion, and inveighs against the whole state of Religion now established in this Realm, pretending the great antiquity of theirs (the Recusants) and the novelty of this. "We had been misled to forsake the Religion of our Fathers and to fill w some light Persons." He intreats the Lords not to give the Bill passage.

The Bishops of Bath and Wells, London, Winchester, and St. Davids, reply to him.

It is thought meet some order should be taken for censuring the said Lord for his presumptuous Speech, but the determination is respited, and the Bill passes by a large majority.

In the *Commons*, it is *Resolved*, that from and after the end of this Parliament, no Mayor of any City, Borough or Town Corporate, shall be elected, returned, or allowed to serve as a Member of this House; and if it did appear that any Mayor were returned a Burgess, that presently a new Writ shall be awarded for the Choice of another in the Room and Place of the said Mayor, and this to continue as an Act and Order of this House for ever. If a Mayor of a Town be chosen Sheriff of a County, then he may serve.

June 26. *Ordered*, by the Lords Spiritual and Temporal, that Lord Viscount Montague be committed to the Fleet till further order.

The King, by Letter to the Commons, declines any further Subsidy at this time.

It is *Resolved*, That the King's Letter be Recorded for an everlasting Memory of his Majesty's Grace; That all Knights of

Shires may take a copy and publish it in their Counties; and that at the end of the Session, Mr. Speaker shall present Thanks to his Majesty, in the name of the whole House, for his Grace expressed in that Letter. 1604.
A. R. 2

June 27. (Wednesday.) It is moved, "that the Commons' contribution, usual upon a Dissolution or Prorogation, of 5s. a Knight, and 2s. 6d. a Burgess, be collected." An amendment, that it be 10s. for a Knight, and 5s. for a Burgess, is negatived, by 126, against 119.

The former usual Collection is to be made.

June 28. A Doubt is moved as to a Member called to the place of a Judge.

June 30. It having been delivered to the Lords' House, that the Lord Montague is sorry for his offence, and grieved at the displeasure of the House, it is *Ordered*, That he be released from the Prison of the Fleet, and repair to his own House, until Monday, 2d July, and then repair to the Upper House, and make known his mislike of his former offence, &c.

In the *Commons*, a long debate takes place on the imprisonment of a Member, in the Fleet. The Serjeant at Arms demands the Prisoner of the Warden, who refuses, and being sent for, is himself committed to the Tower for contempt. It is resolved to send as before, but the Speaker reminds the House, that all those so sent to enter the Prison, are, by Law, subject to an Action.

After much debate and difficulty, the Vice-Chamberlain is privately instructed to go to the King, and humbly desire he will be pleased to command the Warden, on his allegiance, to deliver up the Prisoner, not as petitioned for by the House, but as out of his own gracious Judgment. This is done, and the Warden, at the Bar of the House, expresses sorrow for his offence.

July 2. (Monday.) The Lord Montague is released on his submission.

July 7. The King comes to the House, and passes 120 Public and Private Acts, and after a long address from the Speaker, the Lord Chancellor, by the King's Command, prorogues the Parliament to the 7th Feb., next. (1)

Feb. 7. The Parliament meets again, but is prorogued to the 3rd of October, and then again to the 5th November. 1605.
A. R. 2

Nov. 5. (Tuesday.) The second Session of the First Parliament commences at Westminster. Writs are issued to Thomas Egerton de Ellesmere, Chancellor, the Marquis of Winchester, 23 Earls, 3 Viscounts, and 46 Barons. A. R. 3

A Committee is appointed in the Commons, to consider the granting of writs by the Lord Chancellor, during Prorogations.

This night, the Upper House of Parliament is searched by Sir Thomas Knevelt. Johnston, servant to Mr. Thomas Percy, is there apprehended. Thirty-six Barrels of Gunpowder had been placed by him in the Vault under the House, with the purpose of blowing up the King and whole Assembly when they met.

The Parliament is adjourned to Saturday, Nov. 9, at 9 o'clock,

(1) Dugdale. P. H. V. 1-125 The Journals of the House of Commons are now much more copious and circumstantial than formerly.

The Preface to the present Parliament is remarkable; first describing the origin of Governments, then passing on to the institution of Parliaments, and "the custom, and in a manner the necessity, of assembling at the City of Westminster, adjoining to the City of London," stating also the cause of deferring the meeting on account of the dangerous contagion of Pestilence which had prevailed, but was now abated.

1605.

A. D.

3

and then to 2 P. M., when the Lord Chancellor opens the Session. The King makes a Speech, saying, among other things, "As to the nature of this High Court of Parliament, it is nothing else but the King's great Council, which the King doth assemble either upon occasion of interpreting, or abrogating old Laws, or making of new, according as ill manners shall deserve, or for the public punishment of notorious ill doers, or the praise and reward of the virtuous and well deservers; wherein these four things are to be considered. First, whereof this Court is composed; 2ndly, what matters are proper for it; 3rdly, to what end it is ordained; and 4thly, what are the ways and means whereby this end should be brought to pass. As for the thing itself, it is composed of a Head and a Body. The Head is the King, the Body are the Members of the Parliament. This Body again is subdivided into two parts, the Upper and Lower House; the upper composed in part of Nobility, temporal men, who are heritable Counsellors to the High Court of Parliament, by the honour of their Creation and Lands; and partly of Bishops, spiritual men, who are likewise by the virtue of their place and dignity Counsellors, Life Renters, or ad Vitam, of this Court. The other House is composed of Knights of the Shire, and Gentry and Burgesses of the Towns. But because the number would be infinite for all the Gentlemen and Burgesses to be present at every Parliament, therefore, a certain number is selected and chosen out of that great body, serving only for that Parliament, where their Persons are the representation of that body.

"Now the matters whereof they are to treat ought therefore to be general, and rather of such matters as cannot be well performed without the assembling of that general body; and no more of these generals neither, than necessity shall require. For as, in corruptissima Republica sunt plurimæ leges; so doth the life and strength of the Law consist not in heaping up infinite and confused number of Laws, but in the right interpretation of good and wholesome Laws. If this be so, then, neither is this a place, on the one side, for every rash and hairbrained Fellow to propose new Laws of his own invention: nay rather could I wish these busy heads to remember that Law of the Lacedæmonians, that whosoever came to propose a new Law to the People, behoved publickly to present himself with a Rope about his neck, and in case the Law were not allowed, he should be hanged therewith; so wary should men be of proposing Novelties, but most of all not to propose any bitter or seditious Laws, which can produce nothing but grudges and discontentment between the Prince and his People: nor yet is it, on the other side, a convenient place for private men, under color of general Laws, to propose nothing but their own particular gain, either to the hurt of their private Neighbours, or to the hurt of the whole State in general.

"The end for which the Parliament is ordained, being only for the advancement of God's glory, and the establishment and wealth of the King and his People; it is no place, then, for particular men to utter there their private conceits, nor for satisfaction of their curiosities, and *least of all*, to make shew of their eloquence, by tyning the time with long studied and eloquent orations. No, the reverence of God, their King, and their Country being well settled in their hearts, will make them ashamed of such Toys; and remember that they are there, as sworn Counsellors to their King, to give their best advice for the

furtherance of his service, and the flourishing weal of his Estate. 1605.

"And lastly, if you will rightly consider the means and ways how to bring all your labours to a good end; you must remember that you are here assembled by your lawful King, to give him your best advices, in the matters proposed by him to you, being of that nature which I have already told, wherein you are gravely to deliberate, and upon your Consciences, plainly to determine how far those things propounded do agree with the weal both of your King and of your Country, whose weals cannot be separated. As you are to give your advice in such things as shall by your King be proposed; so is it on your part your duties to propose any thing that you can, after mature deliberation judge to be needful either for those ends already proposed, or otherwise for the discovery of any latent evil in the Kingdom, which peradventure may not have come to the King's ear."

The same day, (Nov. 9), the Parliament is prorogued to Jan. 2, and thence to

January 21. (Tuesday.) In the *Lords*, the Lord Chancellor directs the Clerk of Parliament to take special notice of the names of such Lords as fail in their appearance during this Session, without Licence from his Majesty. 1606.

Jan. 23. In the *Lords*, the Lord Carew and the Earl of Arundell are introduced on Writ of Summons from the King. A. R. 3

The Knight for Cambridgeshire having been chosen Sheriff since last Session, the *Commons Resolve*, he shall, nevertheless, attend. Scotie 39

February 10. (Monday.) The Supply is moved in the *Commons*.

Feb. 15. In the *Lords*, a Bill is brought in for the Restitution, &c., of Henry, Lord Danvers, Knight.

Feb. 19. In the *Lords*, a Bill is read for the Confirmation of the Attainder of Lord Cobham and G. Brooke, Esq., which passes April 15.

Feb. 20. In the *Commons* House, it is stated, "There is an Act of Parliament for the sitting of a Parliament every year to reverse the Judgments of other Courts."

March 4. (Tuesday.) It is Ordered, in the *Commons*, "If a Member of the Houses complain of another to a Privy Counsellor for something done in the House, the Committee for the Privilege are to examine it."

March 10. A Bill passes the *Lords*, to reform the multitude and misdemeanors of Attorneys and Solicitors-at-Law, and to avoid unnecessary suits and charges.

March 13. In the *Commons*, 256 Members are present and divide.

March 25. Ordered in the *Lords*. The Gentleman Usher to repair to all absent Lords and signify his Majesty's Pleasure and Command for their more diligent attendance. A. R. 4

March 26. A Bill is read in the *Lords* for the attainder of divers offenders in the late most barbarous, monstrous, detestable and damnable Treasons; and a Third Bill against Lord Cobham.

Ordered. The Lords that come in after Prayers to pay 2s. 6d. to the Poor man's Box, and such as do not come at all, to pay double.

March 31. In the *Lords*, the Lord Chief Justice is appointed Speaker, during the Lord Chancellor's illness.

In the *Commons*, a call of the House is ordered for Wednesday se'nnight.

1606.

A. D.

4

Section

99

April 4. (Friday) A Bill for choosing Knights and Burgesses to serve in Parliament is Committed, after a Second Reading.

April 5. In the *Lords*, the Earl of Pembroke claims Privilege for his Servant.

The *Lords* Stafford and Dudley have Licence of Absence from His Majesty and give their Proxies.

April 9. The *Commons* House is called over, and upon calling his name, every man present stands up. There appear in the House 299; and, in the House and Town, are 367.

April 10. In the *Lords*, the Earl of Shrewsbury claims Privilege for his Servant.

It is *Ordered* in the *Commons*, that every man shall attend, at 8, A. M., the Service of the House, that certain Bills may be put to the Question.

April 12. The *Lords* Agree, that any *Lords* of any of the Benches that desire to come to the Committee appointed for Conference on the Bill of Purveyors, &c., may come and have voice.

April 14. By Message, the *Commons* leave the Motion of the *Lords*, for deferring the Matter of the Union to the next Session, to the consideration of their Lordships, to take the most convenient course.

April 29. The Lord Chancellor, by command of his Majesty, admonishes absent *Lords* for their non-attendance.

May 6. (Tuesday.) In the *Commons*, a Case of Privilege arises, relating to Sir John Wingfield.

May 10. The Bill for a better Election of Knights and Burgesses is brought to the Upper House from the *Commons*.

May 17. In the *Lords*, it is *Ordered*, as the course of Procedure of a Bill in the House, that, when a Bill hath been brought in the House, proceeded withall, and Rejected, another Bill of the same argument and matter, may not be renewed and begun again, in the same Session, and in the same House where the former Bill was begun; but, if a Bill begun in one of the Houses, and there allowed and passed, be sent unto the other House, although it be then, on Reading, disliked and refused; nevertheless, if the matter be thought fit to be proceeded withall, and that it may be done better by a new Bill, it is holden Agreeable to the Order of Parliament, That a new Bill of the same matter may be drawn and begun again in that House whereunto it was sent as aforesaid; and if a Bill begun in either of the Houses and Committed, be brought in by the Committees, and thought fit, before the Third Reading, to be renewed, in respect that the matter may better proceed by a new Bill, it is likewise holden Agreeable to good Order, in such Cases, to draw a new Bill and bring it into the House.

In the *Commons*, the Practice of the House is laid down, "That any man may speak after the Affirmative Question, and before the Negative."

May 23. The *Lords* Resolve, that all Bills for Restitution in Blood, before they be admitted in Parliament (upon humble petition) ought to have the King's allowance for presenting such Bills, and then they are to be presented first and begun in the Higher House; in regard of an error committed once or twice by Bills of this nature begun in the Lower House.

May 24. In the *Commons*, a "Dispute" arises, "Whether to sit in the Afternoon, and whether it is in the Speaker to appoint it; also, whether it is to be determined on a Question." It is

Resolved, not to put it to the Question, in tender regard of the Orders of the House. 1606.

May 26. In the Commons, a Speaker affirms, that "*A Multitude must on,—on with Reason or without Reason,—in Parliament or out of Parliament.*" A. R. 4
Scotia 39

May 27. In the Lords, an Act for the Election of Knights and Burgesses, &c., is delivered up by the Archbishop of Canterbury (first of the Committees) as remaining in his hands with three other Bills not proceeded in.

The Speaker, with the Commons, goes to the Higher House, and, on presenting a Subsidy Bill, makes an Oration to his Majesty.

The King pronounces his Royal Assent unto every one of the Acts passed by both Houses, "as a special token of Grace and favour, being a matter unusual to pass all Acts, without any exception." Only, it pleases him, by Word of Mouth, openly to give Admonition concerning one Act, (for the Restitution of Roland Merrick in Blood,) that no such Act should be proceeded with in Parliament, till first allowed and signed by the King, and then it ought to begin in the Higher House.

He then prorogues the Parliament to the 18th of November.

November 18. (*Tuesday*.) The third Session of the First Parliament opens at Westminster. 1606.

Writs are issued to Thomas Egerton, Keeper of the Great Seal, to the Marquis of Winchester, to 22 Earls, 3 Viscounts, 46 Barons. (u) A. R. 4
Scotia 40

The King addresses the Houses, and observes, "That it was not convenient for a Parliament to present any, but apparent, public, and just Causes of Grief; though his own nature and mind were ever prepared to relieve any private complaint of any private man that might appear to be just. But there is in Parliament, (as in all Multitudes,) diversities of Spirits, as there were among the very Apostles themselves; and that some of them were more popular than profitable, either for that Council, or for the Commonwealth; and that there were some Tribunes of the People, whose mouths could not be stopped, either from the matters of the Puritans, or of the Purveyance. But, for himself he would never make a separation of the People's Will, and the Will of the People."

Nov. 19. The Lord Chancellor having sent down the names of certain Members of the Lower House, disposed and employed by his Majesty since the last Session, in Special Services, with desire to know the pleasure of the House, whether the same are to be continued, or their Places to be supplied by others; the Commons appoint a Select Committee to consider all Matters and Questions arising concerning Privileges and Returns, during the time of this Session, and particularly, the several cases of Burgesses absent, or of others in like cases.

(u) The Commons' Journals refer the Adjournment to Nov. 25. Dugdale. *Parl. Hist.* V. 125-157. In the Debate at the Conference with the Commons, held during this Session, the Lords relaxed some Rules and Orders used in their House; as the Order to Speaking but once to a Bill, at one time of reading, &c., and left it open to any Lord to speak and deliver his mind, upon any point, as often as he saw occasion. It was also agreed that all the Judges, or such of them as are daily present in the House, shall attend the Lords at that Conference from time to time, to give their opinions in any points of Law. *Parl. Hist.* V. 166-7. The Journals give no clear account of this Conference.

1606.

A. D.

6

Scotiae

40

Nov. 22. The Committee makes Report; and Warrants are ordered to issue for new Writs to elect for Places void, &c.

Dec. 18. (*Thursday*.) A Message is delivered to the Commons. "His Majesty considering the great travel of the Knights, Citizens, and Burgesses, Committees, employed in the matter of the Union, and that, as the solemn Feast of Christmas is approaching, it is fit the Gentlemen should repair into their several Counties to solace themselves, and comfort their Neighbours, &c., he adjourns the House to Tuesday, the 10th of February, being within three days of the end of the Term."

The Lord Chancellor, by his Majesty's Command, gives Admonition to all absent Lords then to attend.

(The Intermission and Adjournment, still one and the same Session, are for one month and twenty-three days.)

1607.

A. D.

4

Feb. 10. (*Tuesday*.) The Lord Chancellor repeats his Admonition to the Lords.

Feb. 13. Sir Christopher Pigott, one of the Knights for Bucks, not standing up, bareheaded, with reverence to the state of the Assembly, as the Order is, is required, for Order sake, to stand up and speak, if desirous to make known his opinion.

Feb. 14. An Order is moved and settled, That the House shall assemble every day at Eight o'clock, and enter into business at Nine.

Sir Christopher Pigott, in his late Speech, "having entered into by-matter of Invective against the Scots, using many words of obloquy and scandal, ill beseeeming such an Audience, not pertinent to the matter in hand, and very unseasonable for the time and occasion," the King complains thereof to the House. "He did much mislike and tax the neglect of the House, in that the Speech was not interrupted in the instant, and the Party committed before it became public, and to his Higness's ear."

It is Ordered, That he be committed to the Tower during pleasure of the House, be dismissed from his Place as Knight of the Shire for Bucks; and that a Writ be issued for a new Choice.

Upon a Message from the King, he is discharged from custody.

Feb. 19. The Earl of Huntingdon is introduced, on a Writ of Summons.

Feb. 21. In answer to a Message from the Commons, the Lords signify to them, "That when the Committees of the Lower House, being yesterday moved to another meeting, did answer that they would first acquaint their House with it and then send word, the Lords have always observed, by order and custom of Parliament, that the Committees of both Houses being once appointed, may meet as often as in their discretion they shall find to be convenient, without acquainting the several Houses therewith, which their Lordships have thought fit to make known to them, lest this might hereafter grow to a Precedent."

Feb. 27. Resolved, in the Commons, That Absentees be sent for and "Answer Fees and Duties to the Officers, as in case of breach of Privilege, or other contempt of the House;" farther, "that the House be called on Monday se'nnight."

March 3. Mr. Hyde, pleading certain businesses of his Clients, and other his private occasions of profit and necessity, had made known to the House that he would go out of Town, and had taken his leave, in open audience, without Assent or Leave of the House. He is taxed therewith, and Mr. Speaker is warranted to write to him; also to other Lawyers gone down

in the same Circuit. They are forthwith to repair to the House, 1607.
to prevent further Question and Danger.

March 4. In answer to a Message from the Commons, the Lords state, "That as the strength of both Houses consists in nothing more than the preservation of the right and privilege justly and properly belonging to either; so, in that respect, the Lords are very tender in suffering any thing to pass unanswered, whereof there may arise the least misunderstanding. Therefore, although some words delivered by the Gentleman appointed to speak for the Lower House, gave some offence, yet, all their Lordships did conceive they were only a *Lapsus Linguae* in his own person, to which any man may be subject; but being spoken at that time and by a person qualified as their mouth, the Lords did not think it safe for them to conceal it from the Commons; for if it had been otherwise taken than the Gentleman's private action, they must have used that freedom which is necessary from one friend to another, telling them that they will never acknowledge any man that sitteth in the Lower House to have the right and Title of a Baron of Parliament; though some private Gentlemen that sit as Burgesses for Cinque Ports, may have such an appellation where they reside. No more could they admit the Term of the Commons Court of Parliament; because their whole House, without the Lords, can make no Court of Judicature. But now as to the matter itself, having said enough of the mistake, the Lords added they were very sorry to find so much reservation against those that meant to use so much freedom; their Lordships being so well persuaded of the Commons good affection to the general cause, that they were and are willing still to offer conference, in general terms, even upon that particular Title of Naturalization.

In the Commons, a Bill for the better attendance of Members is first Read.

March 7. A Member appointed on a Committee of the Commons, excuses himself, as directly against the Matter itself in opinion. He conceives it as a Rule, that no man is to be employed who had declared himself against it.

It is *Resolved*, on Question, That he is not to be employed.

March 12. The Horse of a Burgess having been taken by a Post Office Servant, to run Post, such Servant is committed to the Serjeant's ward, during pleasure.

March 23. The Speaker being sick, Motion is made to consider what is to be done on like occasion. No Precedent appears for choosing a Speaker from day to day. The King must give leave and approve, after choice made. It is argued, "If there be no Precedent, it is fit to make one. Time was when there was no Speaker but the Lord Chancellor, who was common mouth to the whole Court of Parliament."

A Committee is ordered to search for Precedents.

March 24. The Speaker again takes his Place. It being Coronation Day, the Members adjourn and attend Church.

March 30. The Earl of Cumberland claims Privilege for his Servant.

March 31. About 2, p. m., the Lords and Bishops, Speaker and Commons, attend his Majesty in the Great Chamber, at "Whytehall."

The King addresses the Houses for hastening the Union, saying, among other things, "Studied orations and much eloquence on little matter, is fit for the Universities; where not the sub-

A. N.
4
Scotiae
40

A. N.
5

1607.
A. R.
5
Scotie
40

ject that is spoken of, but the trial of his wit that speaketh, is most commendable. On the contrary, in all great Councils of Parliament, fewest words, with most matter, do become best."

He then adjourns the Parliament to Monday, the 20th of April.
April 20. (Monday.) His Majesty is pleased to dispense with the Absence of the Earl of Derby for ten days.

April 21. On account of the small attendance, the Houses are adjourned to the 27th.

May 16. (Saturday.) The Lord Chandois claims Privilege for his Servant, and a Habeas Corpus is ordered.

May 20. The Earl of Southampton claims Privilege for his Servant, &c.

May 26. The Earl of Bedford claims, &c.

June 4. (Thursday.) On a "Dispute" in Committee, it is said, "Every question by Voices in Committee bindeth and cannot be altered by themselves, but by the House it may. Every thing agreed and directed by the Committee ought to be reported, but not every thing spoken."

June 9. A Bill "to avoid fraud and wrong doing in Private Acts of Parliament," is read a first time.

The House is called by the general Book of Names, in order, as set down by the Clerk of the Crown at the beginning of every Parliament. The Party called, if present, riseth up bare-headed and answereth. If absent, he is excused by some in the House, and noted absent for some special reason expressed.

| | |
|------------------|----------------------------|
| Licentiatur | } Speciale Servitium Regis |
| Excusatur gratia | |
| Ægrotat | |
| | Vice-Comes |
| | Major |

If no man excuse him, he is noted, Deficit. The names deficient to be presented to-morrow.

July 2. (Thursday.) In the Lords, a Bill is passed and sent to the Commons, to make it Treason to counterfeit the Great Seal of Scotland.

July 3. It is Ordered in the Commons, "That between this and the next Session of Parliament, the Clerk shall perfect his Journal for these three last Sessions, and that no Matter, or Message, or Conference, or Resolution of the House, shall be of Record or of force, till the same be perused and perfected by a Committee to be chosen next Session of Parliament, and till approved by the House; and that, from henceforth, the Committee of Privileges do, every Saturday, in the Afternoon, peruse and perfect the Book of Entries in all such matters, as aforesaid; and that, in regard to the great pains which the Clerk is to take in perfecting the said Journal, some course be taken next Session for his better encouragement.

July 4. Lord Knivett de Escrick is introduced into the House of Lords by His Majesty's Writ.

By His Majesty's command the Parliament is prorogued to the 16th November.

Scotie
41

November 16. On account of the Plague, Parliament is, by Commission, prorogued to

1603.

February 10. It is, on this day, again prorogued to

A. R.

October 27. Lord Clifton de Loughton Brumwood is admitted on His Majesty's Writ; and a further Prorogation takes place to

6

Scotie

February 9, when the Parliament is again prorogued to

1609.

November 9, when a Sixth Prorogation takes place to

A. R.

7

February 9. (Friday.) The Fourth Session of the First Parliament commences. 1610.
A. R.
7
Scotia
43

Writs are issued to Thomas Egerton, Knight, Lord Chancellor, to 2 Earls, (the Lord Treasurer and Privy Seal), the Marquis of Winchester, 21 other Earls, 3 Viscounts, 27 Barons, Chivaliers.

The Earl of Dorset and Lord Howard de Walden are introduced by Writs of Summons to Parliament.

Feb. 10. The Lord Chancellor adjourns the Houses to

Feb. 14. The Earl of Salisbury, Lord Treasurer, explains the King's necessities. The Commons agree to a Conference desired by the Lords, concerning a Supply.

Feb. 15. The Lord Chancellor makes a Motion concerning the Laws in force, and their Amendments and Alterations.

The Earl of Pembroke claims Privilege for his Servant, &c.

Feb. 24. The Lord Chancellor declares that the matter of Contribution and Retribution would, in his Lordship's Judgment, require Replies (to the Commons.) Wherefore, he moves, That, this day, the Talk may not be as at other times, the Lords sitting in Parliament, when a man having spoken, his mouth is for that day shut in that Cause, but that the Dispute may rather be as a Committee; which Motion is generally allowed.

Feb. 27. A Message from the Commons is received by the Lords, concerning a Book by Dr. Cowell, (the Interpreter), containing matter of scandal and offence to the High Court of Parliament. They desire a Conference for the examination and punishment of the said Person. The Lords are willing to join in any course fit to maintain the honour of that High Court, and will choose Fifty Committees to meet a competent number of the Lower House on Friday next, in the Painted Chamber.

Feb. 28. Report is made in the Lords, that the Committees appointed to acquaint His Majesty with the desire of the House of Commons, touching Tenures and Wardship, had done so. His Highness reserveth to himself (tanquam re integrâ) the Power, Affirmative, or Negative, to grant the Petition made by the Lower House, or not to grant it, as, upon further deliberation, he shall see Cause.

"He is so willing effectually to redress their grievances, that although he doubts not the good disposition of his Posterity, yet is he desirous to provide, That if they should have *Will* they may not have *Power*, again to grieve the People."

Agreed, that Respite shall be had till To-morrow, concerning the course to be holden for imparting His Majesty's answer to the Lower House.

In the Commons, a long Debate occurs on the Supply. The subject is put off, by a vote of 160 against 143.

March 1. (Thursday.) In the Lords, a Message is received from the Commons, "The Knights, Citizens and Burgesses desire their Lordships, that a meeting may be of Committees of both Houses to receive the answer of the House of Commons, touching the Matter of Supply and Support."

March 3. Report is made in the Lords from a Conference on Supply and Support. The Commons conceive not how Supply may be done, other than by way of Subsidy, which being most proper to be moved by the House of Commons, they will consider a meet Resolution and proceed therein in due time. For

1610.
A. R.
7
Scotia
43

point of Support, they hold the same to be most proper to be moved by the Lords, whereof they expect to understand from their Lordships, when convenient.

Report is made on Dr. Cowell's Book, with the Exceptions taken by the Commons as to the words Subsidy, King, Parliament and Prerogative, upon which they apprehend Dr. Cowell has so unadvisedly enlarged himself, that the same was very dangerous and offensive.

The Commons are called at Seven o'clock in the morning.

March 6. The Lords, at the desire of the Commons, agree to a Conference on the matter of Tenures and the Dependants thereon, and for consideration of Dr. Cowell's Book. On the latter, the Clerk of Parliament is to search for Precedents, and certify the same to the House.

March 8. The Lord Treasurer signifies to the Lords, that his Majesty had perused the Places in Cowell's Book, whereunto exception had been taken, and had called the said Cowell before him, and had heard his answer. Having duly considered the Errors committed by the Party, he was graciously pleased to deliver his Judgment and Resolution unto the Lords, to be imparted to the Committee of the House of Commons, which the Lord Treasurer delivers to their Lordships, and is appointed to Report at the Committee.

Agreed. Three Lords (the Chancellor, Treasurer, and Privy Seal,) to Report to this House what shall be spoken by the Committee of the Lower House at the Conference, touching the matter of Tenures and Dependency on Tenures.

March 12. Ordered, that all Sub-Committees in matter of grievances, sit from one to three, and then come in. Also, that all Sub-Committees sit at Westminster, that they may be sent for.

March 14. It is determined, That there is no Precedent of Thanks to the King, but by the Speaker; if to the Lords, by a Messenger. They send to inform the Lords that they mean to give Thanks by mouth of the Speaker, but think fit to acquaint their Lordships.

March 23. The House to meet To-morrow at 7; at 10, to go to a Sermon in the Abbey, according to Custom, on Coronation day.

A. R.
8

March 29. It is Resolved in the Lords, That on the Matters of Tenures and Wardships, the whole House shall meet as a Committee, and, hâc vice, sit in order, as at other times of sitting; and to treat and confer by way of Interlocution, no man to be barred or stopped by once speaking, but to speak oftener, as occasion may require.

March 30. According to His Majesty's pleasure, the House is to adjourn from Tuesday to Monday se'nnight.

It is Resolved to call the House on Thursday after that Monday.

March 31. One, not of the House, came in and stood awhile; a Question, whether he shall be called in and admonished, is carried by 100 against 90. He is called in, and kneeling at the Bar, is admonished of his Contempt; then, in favour, remitted.

April 3. (Tuesday.) The House adjourns to Monday 16, at 8.

April 19. The Lord Chancellor declares His Majesty's displeasure at the slender appearance of the House, and the neglect of his Service.

April 20. His Majesty gives an Answer on the subject of Tenures, &c.

April 21. The Lord Privy Seal and divers other Lords Com-

mittees in the Little Chamber, near the Parliament Presence, are called into the House by the Clerk of the Crown, to yield their opinions for the adjourning of the Court.

April 26. The absence of Lord Sheffilde is excused by the Lord Chancellor, and of the Lord Bishop of Bath and Wells by the Lord Archbishop of Canterbury, according to daily practice.

May 1. (Tuesday.) The Lords allow the return of the Lord Bishop of Landaffe upon his statement that all his House are now in perfect health, though the Plague had been for eight weeks amongst them.

May 3. Lord Stafford claims Privilege for his Servant, &c.

The Commons, by Message, desire a Conference on Tenures, &c. The Lords will meet them, but, for the weightiness of the matter, wish that the Committees may debate and answer Questions as occasion may require, and give Explanations, &c., but not so as to bind either House.

May 5. Privilege is claimed by the Earl of Hertford and the Lord Bishop of Peterburgh.

May 7. In the *Lords*, Report is made on the Conference, *which did not answer their Expectation.* A Message in writing had been verbally read by the Committee of the Commons, by which the Lords were directly barred from replying to any thing spoken, &c. There was no freedom of debate.

To the Lords' Objections, the Commons return a written Answer; "That on re-examination of the matter they find no reason to alter their offer. Their purpose was to lay the burden on the Landed Men."

May 8. The Lords desiring a Conference, communicate by means of the Commons' Messengers, then in their House.

The Commons "are willing, though it is not usual, to receive Messages by their own Messengers."

May 11. The Speaker having brought a Message from the King, which he had received from the "Body of the Council," it is *Resolved*, "That this manner of receiving a Message, and not directly from the King, should be no Precedent hereafter."

May 12. In the *Lords*, a Bill is read, once, for restraining the execution of Canons Ecclesiastical, not confirmed by Parliament.

May 14. Mr. Speaker delivereth a Message from the King, touching Messages by the Speaker, or by the Council to the Speaker, in His Majesty's name. It is referred to the Committee for Grievances.

May 21. Both Houses attend his Majesty this Afternoon, at two, r. m., in the Great Chamber, on the King's Side, at the Court of Whitehall.

May 23. Lord Norreys claims Privilege, &c.

May 26. The Lord Treasurer speaks concerning Supplies to his Majesty, "the necessity for which increaseth daily."

The Commons, by Message, propose to address his Majesty on several points concerning his Safety, (Recusants, Jesuits, and Oath of Allegiance.)

The Lords agree to a Conference, and propose to shew the Commons "the difference between a free Conference and a dry Meeting."

P. M. The Chief Justice of the King's Bench, is, by Commission, appointed Speaker, during the Chancellor's illness.

June 2. (Saturday.) Lord Clynton is introduced in his Parliament Robes, &c., by Writ of Summons.

1610.

A. D.

8

Scotia

49

1610.

A. D.
8
Scotia
43

His Majesty's Pleasure is delivered, by the Lord Chancellor, that on Monday (4th) the Court shall sit in the Room or Chamber called Whitehall, in respect of the Prince's Creation, all their Lordships in their Robes, &c.

June 4. In presence of both Houses of Parliament, the Prince is created Prince of Wales and Earl of Chester.

The Parliament is adjourned to the 7th, *hora 9.*

June 7. Proclamation having been made for all Persons to take the Oaths of Allegiance, they are taken this day by the Archbishop of York, the Lord Admiral, six Earls and one Viscount, fourteen Bishops and eighteen Barons.

June 8, 9, 12. The Oaths are taken by nine Earls, two Bishops, and six Barons.

June 11. Motion is made in the *Commons*, That there may be no Precedent to receive a Message from the King, by the Lords.

June 16. An Order is made, in the Lords, as to the Precedency of the Baronies Le Despencer and Abergavenny.

June 18. The Lords receive a Message from the Commons as to a Conference, which they (the Commons) accept, and wish, in the mean time, their Lordships would consider these three points:

(1.) What more the Lords will offer unto the Commons, above the ten things already proposed, and above that which they of that House have thought on, to be yielded by way of Retribution.

(2.) That the Lords will deliver unto them the lowest and certain price of those things which they shall have and contract for.

(3.) What Course may be taken, and what Projects their Lordships will propound for levying that which shall be given, other than upon the *Lands*.

June 19. *Agreed*, in the *Lords*; the King to be made acquainted with the Message of the Commons, and his Pleasure to be learned concerning it, before Answer given.

June 21. The King answers, "His Majesty gives authority to this House to inform the Commons, that on Tuesday, in the Afternoon, their Lordships, by their Committees, will have Conference."

The Commons agree to meet them in the Painted Chamber.

June 21. Claim of Privilege is made by Lord Lisle.

June 26. His Majesty answers the Proposals. "He is pleased to require the Lords, in this Conference, to consider, that they are all as Peers, and equal with the Council, and that accordingly they will have equal and like respect and care of the Service, and be "Pares in Onere."

Lord Sheffield is added to the Committee for Conference, though not present when the Committee was named, 14th Feb.

June 30. Lord Hunsdon is allowed to return to the House, no Infection having been in his House for six weeks.

July 2. (*Monday*.) The Lord Chamberlain claims Privilege for his Servant.

July 3. In the *Lords*, *Agreed*, after a Bill is put to the Question, no Lord may, by the Order anciently used, and still in practice, speak any thing to the same Bill.

July 7. In the *Lords*, a Bill is read, for better Attendance, and for Trial of Causes in the Commons' House of Parliament.

July 9. The House attends his Majesty at Whitehall, concerning Impositions complained of by the Commons, to which the King gives answer, severally.

July 12. The Commons *Resolve*, That all absent on calling the House, shall pay, Knights, *6s. 8d.*, Burgesses, *3s. 4d.* 1610.
A. R. 8

July 14. On two Divisions, the Votes are 62 against 51, and 15 against 15. The Speaker's negative Voice decides the latter. 8
Scotie 43

July 16. Mr. Speaker brings in a Paper received from his Majesty's own Hand.

July 17. The Bill of Supply is sent up. The King accepts, in lieu of Tenures, &c., an annual payment of £200,000.

July 19. *Resolved*, in the Commons, that the Clerk do continue his pains in registering the Acts of the House.

Resolved. Those who do not now pay, to pay 20s. at the next meeting. Ten Pounds of what shall be collected, to be disposed of to the Poor.

July 23. The King is present, and the Prince of Wales (first time).

His Majesty makes a long Oration to the Houses.

The Parliament is prorogued to Tuesday, 16th day of October.

October 16. (Tuesday.) The Fifth Session of the First Parliament opens. 1610.
A. R. 8

Writs are issued to Thomas Egerton, 2 Earls (Treasurer and Privy Seal), the Marquis of Winchester, 21 other Earls, 3 Viscounts, 48 Barons, Chivalers.

Oct. 22. *Agreed*, That any Lord, a Member, though absent, may, in regard of particular interest, respecting any Office or Special Service, be named a Committee.

Ordered. All Lords now in Town, and not present, to be specially warned to give their attendance on Thursday.

Oct. 25. *Agreed*. The Lords to sit as a Committee, and the Debate to be by way of Interlocution, concerning the Contract with the King. Eleven Bishops, twelve Earls, one Viscount, twenty-five Barons, are present.

Oct. 30. The Clerk of Parliament having received a Letter from the Under-Clerk of the Commons, requiring a Copy of the King's Answer to the Grievances, their Lordships cannot allow this manner of Demand, which should have been by Motion to their Lordships themselves; but not to cause interruption to the great business in hand, they *agree* and *order*, that the Clerk of this House shall have Warrant to send the King's Answer, and that it be entered in the Journal Book, "That this Particular be not at any time drawn or used as a Precedent."

December 6. (Thursday.) The King's Commission for a Prorogation of the Parliament to the 9th of February, is read.

February 9. (Saturday.) The Parliament is *Dissolved*. (v) 1611.
A. R. 8

A Proclamation is published stating the Reasons for this Dissolution.

Whereas the King's most excellent Majesty, hath continued this Parliament together, longer than hath been usual, or might well have stood either with his important affairs of State, or with the public business of three whole Terms spent in the two last Sessions; or with the occasions of the Country, where the service and hospitality of many persons of quality have been

(v) Dugdale, Feb. 9, 1610. Parl. Hist. V. 167-267. The Commons' Journals are deficient from Monday, 23 July, 1610, to Tuesday, 5 April, 12 Jac. 1614.

It may be noticed, that the Journals of the Lords supply Lists of all the Writs of Summons delivered by Peers to the Clerk of the Parliament in each Session, as also Lists of all the Bills brought into the Lords' House, with the fate of each, distinguishing such as originate in this House, and such as are sent up from the Commons. This List states also what Bills were still in Course of Procedure.

1611.

A. R.
8

missing, and divers Shires, Cities, and Borough Towns have been burdened with allowances made to Knights and Burgesses whom they employed; besides the particular expence of the Nobility and others attending the Session: and all this in expectation of a good conclusion of some of those weighty causes which have been there in deliberation, not only for the supply of the necessities of his Majesty's Estate, but for the ease and freedom of his Subjects, in many things proposed by his Majesty in Parliament, far differing and far surpassing the favors and graces of former times, both in nature and value; His Majesty hath now resolved (for preventing of further troubles of all those that would prepare themselves to be here, against the time limited by the last prorogation), to declare by these presents that they shall not need to give their attendance at the day appointed, for any services to be done as Members of this Parliament, because his Majesty for many good considerations known to himself, hath now determined to dissolve this Parliament, by his Commission under his great Seal of England. Dated at Whitehall, 31st December, 1610.

1614.

A. R.
12
Scotiae
47

April 5. (Tuesday.) A Parliament (II.) meets at Westminster.

Writs are addressed to Charles, Prince of Wales, Thomas Egerton, Chiv. Chancellor, the Earl of Northampton, Keeper of the Privy Seal, the Marquis of Winchester, 21 Earls, 2 Viscounts, 49 Barons, Chivalers. (*w*)

The Lord Admiral, Lord High Steward, comes to the Room called the Whytehall, or Court of Requests, and appoints 24 Privy Counsellors, to be his Deputies to Minister the Oath during the Parliament. About 160 Knights and Burgesses take their Places in the Commons' House. On Message from the King, they repair to the Higher House. The Room is so full of Strangers, that no place is left for Members, "at which they much dislike."

The King and Prince of Wales are present. His Majesty and the Lord Chancellor successively address the Houses.

April 7. The Commons present their Speaker, Sir Randolph Crew, Knight.

The Clerk reads one Bill, *pro Formâ*; and an order is made, That every Member of the Commons shall take the Sacrament at St. Margarets' Church, "which not one refuses."

April 8. A Committee is appointed in the Commons to search for Precedents, whether any Attorney-General to any King or Queen, hath been chosen and served as Member of this House.

A General Committee is named for Freedom of Elections, Privilege of Persons and Speech.

A General Committee of the whole House, for receiving Petitions, is ordered to meet every Tuesday, at 2, P. M.

(*w*) Dugdale. *Parl. Hist.* V. 272. In this long interval, various schemes had been devised for raising money. Among other projects was that of Robert Carr, a Scotsman, the King's chief favourite and counsellor, who, from a low origin, was first knighted, then created Viscount Rochester, and afterwards Earl of Somerset. He proposed to erect a new Order of Dignity and Worship, called Baronets. Their number to be 200, and their power and dignity next to Barons. Their Title that of a Knight, which was to descend to their Posterity. For this they were to pay £1,000 a piece. The pretence was to plant Colonies in the North of Ireland, for which the Bloody Hand, the Arms of the Province of Ulster, was added, as a Trophy of the Baronets' Escutcheons. Another project was a State Lottery, the first in England. All which, not answering, a Parliament was called.

The Journals of the Commons are from this time much more full than heretofore, and the labour of abridgment and selection becomes greater.

April 9. The Lords attend His Majesty at the Banqueting House, to hear his further pleasure and direction as to the business of the Parliament. The King speaks thus: 1614.
A. R. 12

"First have a care to the great increase of Popery; yet I would not have the Papists vaunt of their good Seed, since their great Conquests are only women and ignorant persons. They assail only the weaker, and get to them not such as they would, but such as they can, and it is very remarkable, an ill cause is most vigilant and careful to defend itself; yet, as I say, do not proceed to touch Land or Life, for as I noted, persecution was never a justifiable way of establishing religion, but by the execution of good Laws. 47
Scotiz

"The state of Ireland, which I pretend not without just cause, yet without fear; for *though they can never be reduced to so perfect obedience without establishment of Religion*, yet in the last trial of their Parliament, I have found many good subjects there, yet consider that the Members most removed from the heart have most need of succour; they lie most obnoxious to harm, and as a prey to all Enemies of the Body; and though none of my Ancestors could ever be called so absolutely a King of that Country, as I may, yet there must be great care had of those remotest parts of the Dominion, which have always been Enuncatories of England; and wherein more has been spent in one year, than would, by frugality, be saved here in many.

"With regard to the Elections of Parliament, I wholly disavow that I ever directly or indirectly, did prompt or hinder any man in the free election, nor did I ever put any confidence in a Party Parliament, and of this, I appeal to all the Sheriffs and Lords, let them accuse me freely. As touching Proclamations, so did I never intend them to have the force of Laws, but to prevent mischief arising, wherein the Law hath no Provision, until a Parliament can provide.

"The form I mean to hold in our proceedings, to avoid the long conferences between the Upper and the Lower House, which breed but delay, for sometimes the Lower House brought nothing but Tongues, sometimes nothing but Ears; I mean to propound to the Lords, matters proper to them by Bills, and the like to you, and to speak to you myself and receive your answers; this to prevent unnecessary meetings, and to hasten our business, that we may proceed to the most urgent point. And I do propose to continue this Parliament, to another Session at Michaelmas, when may be supplied any such defect as this short time will not give leave, perhaps, to be amended. For I will meet you often in this kind, to shew myself contrary to all Tyrants, who love not advising with their Subjects, but hate Parliaments. Most I desire to meet with you, when I might ask you nothing, but that we might confer together freely, and I may hear, out of every corner of my kingdom, the complaints of my Subjects."

April 9. The Lord Chancellor moves the Lords, "That such as make Proxies do record them;" likewise, "That notice be taken of such Lords as have received writs of Summons and do not appear, to the end that His Majesty may be informed thereof; and, that notice be also taken of such Lords as be sick, and cannot attend."

The Lord Chancellor signifies, That, if any Lord or Lords be here that have not already taken the Oath of Allegiance, His Majesty's pleasure is, that He and They do take it according to the Statute which appointeth the same, to be to them ministered

1614.

A. N.

12

Scotie

47

by Six of the Council at least, whereof certain to be of the Quorum.

In the *Commons*, Report is made from the Committee of Privileges.

It is moved, That they of Durham may have Knights and Burgesses, for they are now bound to pay Subsidies, and yet have no benefit of the General Pardon.

Resolved; Sir G. Selby, Sheriff of Durham, cannot be chosen Knight of the Shire for Northumberland.

April 11. In the *Lords*, a claim of Privilege is made for the Servant of Lord Willoughby de Eresby. *Ordered*; a writ of Habeas Corpus, &c.

Five Earls and Nine Barons take the Oath of Allegiance.

In the *Commons*, *Ordered*, That no Bill be read a Second time until half-past Eight, or a Third time till past Nine.

A Report is made as to the Attorney-General; "That there is no Law against the Attorney-General sitting, but that which is against all Privy Councillors, Solicitor, Serjeant, and all Knights of Shires, not Resiants, or not Freemen."

It is affirmed, "That no Attorney was ever chosen, nor anciently any Privy Councillor, nor any that took Livery of the King."

Resolved; That he shall for this Parliament remain in the House, but never any Attorney-General shall serve for the future.

April 12. A Debate in the *Commons*, on a motion for a Supply is deferred because "divers Members were not yet come." The House is first to be called, and the Communion received, as appointed, according to the Primitive Church, &c."

A Motion is made against a Sheriff of Wales, excluding one elected a Member, that he would not suffer them to have any Burgess at all. There was no Burgess in Wales till 27 Hen. 3, then 12 Knights, 12 Burgesses; every Burgess to be of the Shire Towns, according to the writ, "et de Burgo vocat l' Shire Town," or principal Town of Shire, but all others who have a voice in the Election, to be contributory. Mr. Thomas, the Recorder of Carmarthen being elected for this place, the Sheriff returns, "Nullus Burgus vocatus Shire Town unde Burgus eligi possit," whereby he may turn out all the Burgesses of Wales. Referred to the Committee.

April 13. *Ordered* in the *Commons*; The Sheriff of Northumberland to be sent for after the Election of a new Knight, which is to be on the next County Day but one.

The Speaker stops a Member "for the dignity and gravity of the House, that no interruption may take place till the Speech of the Party speaking be ended." *Ruled*.

Ordered, upon the Question, "That nothing pass, by Order of the House, without a Question, and no Order, without a Question, Affirmative or Negative."

April 14. Question—"Whether all Mayors and Bailiffs returning themselves shall be removed?" *Resolved*, "Yea."

April 15. A Motion for the Preservation of Memorials, Records, &c., is referred to a Committee for Privileges.

April 18. (Monday.) A "Dispute" takes place concerning Impositions and Taxes. It is said, "It was Resolved in last Parliament that, by the Law, no Impositions might be laid without Authority of Parliament, and a Bill passed to that purpose. That the House consists of about 472, of whom 300 were

not in the last Parliament, whereof many are young. These should understand the true state of their right, to leave it for hereafter to Posterity. 1614.

A Bill is read a second time, for Repeal of one branch of the Statute, 34 Henry VIII., for Wales, and a Committee is appointed. A. A. 12

An Order is made, that the Clerk shall set upon the House Door, the Orders for Committees to sit that day. Scotiam 47

April 19. In the *Lords*, a Claim of Privilege is admitted for the Earl of Sussex's Servant, and Proceedings are taken thereupon.

In the *Commons*, it is agreed, That this House is but half a Court for making Laws, but a full and whole Court for examining Returns, and all Matters within its Jurisdiction.

Ordered, That the power of giving an Oath by this House concerning the Returns or Jurisdictions of the House, be referred to the Committee for Privileges. Precedents to be viewed, and a Report made.

A Motion is made for a plain Law to explain the Election of Knights and Burgesses. The danger to the House, by the loss of Records, is stated.

A Motion is made, that if the Committee shall not find by Precedents that there is power here to minister an Oath, a Bill be drawn up and go to the *Lords*, with special recommendation. A Committee is appointed for drawing such Bill.

The House adjourns over the Easter Holidays.

May 3. (*Tuesday*.) In the *Lords*, the Lord Wentworth does, in the presence of the Lord Chancellor, and a competent number of *Lords* of His Majesty's Privy Council and others, kneeling in the upper end of the House, freely and voluntarily take the Oath of Allegiance, provided in the Parliament, 3, Jac.

May 5. In the *Commons*, the ancient Order is stated, "That the Speaker ought first to rise, and go out with state, and not to be tied to any hour."

Mr. Hyde says—"There is no power in the King to direct our proceedings, as was resolved in the last Parliament. We are here a free Council to proceed as we shall think fit."

Sir Edward Sands "remembereth not in any Parliament for twenty-five years any mention, at a beginning of a Parliament, of Subsidies, except one, when Hannibal ad Portas. Queen Elizabeth never carried a Subsidy with one negative. The King had a Subsidy last Parliament, with one or two odd voices. If he should now gain divers Subsidies with so many negative voices, it would not be honourable."

May 6. Ordered, that the Order for not going to the King, be entered and confirmed, for this Parliament.

May 9. It is moved, "that Mr. Chancellor of the Duchy being an 'Undertaker,' contrary to the Privilege of the House, he be secluded till he give satisfaction, &c." He is sequestered by Order.

The House to meet To-morrow at Seven.

May 10. In the Case of Mr. Chancellor,

Mr. W. Fanshaw says, "The Chancellor hath no power in Elections."

Sir John Sammes. "Till Henry IV., there was no Chancellor of the Duchy. That Court was established only by Henry IV., fearing the joining of it to the Crown might be prejudicial to him, doubting his Title to the Crown."

Mr. Attorney. "The Prescription of the Chancellor is to

1614.
A. D.
12
Scotiz
47

have the Nomination of one of the Burgesses in every one of the Duchy Towns. It hath been so in his remembrance, and is ancient. Error Temporum. A Bill should be brought to reform these Abuses."

Mr. Davys. "This Question will have three good effects. It will be a Caution to Great ones hereafter, how they write; Encouragement to Freeholders to use their own right in Elections; a good Precedent for future ages, that this shall be punished in any, how Great soever."

Mr. Serjeant Montague. "Ex malis moribus bonæ Leges. This is a fit subject for a necessary Law. In Richard the Second's time, all Elections were made by *Letters*, which hindered all due Elections. That produced the Statute Edward IV., to make them ineligible when not Resident in the Towns. He wishes all to be made incapable, that come in by Letter, for it is the only way to bring in Servitude."

May 11. It is *Ordered*, "That the Member so elected be removed, and a new Writ issue for a new Choice."

Mr. Hackwill. "A Man chosen cannot wave, unless chosen in another Shire than where Resident."

Mr. Fuller. "No Indentures were here sealed. After a Return made, there is no remedy but a new Writ."

Sir A. Cope. "The Writ went to the Bailiff and Constable, not to the Bailiff and Burgesses, as it ought."

Sir S. Sands. "The exception is not material. The Writ goeth to the Sheriff, and not to the Sheriff and Freeholders, though they are the Electors. Mr. G.'s waver is good, because he is no Burgess there. Sir W. Cope's return is good on the other's waver."

Sir R. Maunsell. "Having a Freehold in the Shire, he cannot refuse to serve. The Bailiff confesses he got the names by private Solicitation."

Sir Roger Owen. "It is clear the Election is void."

Sir R. Hitcham. "The decision is absolutely Matter in Law. A Burgess elected, without consent of Electors, cannot wave; with it, may refuse to serve. A Knight of the Shire elected, by consent of Electors, Freeholders, may refuse. The first Man returned cannot be returned upon that Writ, because the contrary was fully returned by the Writ, therefore, Sir W. Cope to continue till a new Writ."

It is *Ordered* on the Question, "That the return of Sir W. Cope and Sir H. Wallop is not good," and that a Warrant issue for a new Choice, &c.

May 14. Report is made from a Committee on the Matter of Knights and Burgesses of Durham. It is argued, but the dispute is stopped by the Speaker till the Bill is read.

One, not of the House, is apprehended and committed to the Serjeant.

May 16. The Archbishop of Canterbury claims Privilege for his Servant.

May 19. "It is not lawful for any one at a Committee to speak against the Body of a Bill. One that has spoken against, cannot be a Committee."

May 20. The Committee of Petitions move, That the Committee of Privileges may consider of a fit place for keeping the Records of this House.

May 21. An Act for Knights and Burgesses to have place in Parliament, for the County Palatine of Durham, and Borough

or Town of Barnard's Castle, alias, Castle Barnard, is read a first time in the Commons. 1614.

May 23. The Lords going into a Committee for a Conference on "Impositions," a Debate arises, "Whether the Judges shall give their opinions now, concerning Impositions." The Judges decline giving their opinions, "as upon Particulars in Judicial Causes, they are to speak and judge between the King's Majesty and his People, likewise between His Highness's Subjects; and in no case to be Disputants on any side." A. A. 12
Scotim 47

May 24. The Lords negative the Question, Whether this House shall meet the House of Commons in a Conference on Impositions.

In the Commons, The Sheriff of Northumberland is reprimanded at the Bar. Mr. Speaker charges him with making undue Returns. The Sheriff desireth, since they accuse him by advice of learned Counsel, to make his defence so. He is to be heard, 1 Hen. VII., for the matter in fact, and if question in matter of Law arise, then to be heard by Counsel. He is to remain Prisoner with the Serjeant's man, *so he comes home at night.*

May 26. In a "Dispute," Sir Edward Sands says, "To go immediately to the King, wrongeth the Liberties of the Upper House. The Liberties of Parliament are three; of Election in this House, of Freedom from Arrest, and of Speech. Words of Treason, or Matter of Felony, have no protection here, *but are punishable by the King.* Words of Scandal, or which may make Sedition between the two Houses, are punishable here. This is proved (1) by the usage of both Houses, (2) as prejudicial to the Liberties of this House, (3) as this House can challenge no Liberty farther than the Lords; where most Honour, is most Liberty, &c."

Mr. Speaker excuseth his rising, and desireth he may give his Reasons why it is not fit now to put this to the Question.

It is ruled, he shall, upon Leave asked, speak his Reasons.

May 27. Mr. Speaker having read a Letter from the King, it is argued, That it hath always been a Privilege of Parliament to choose in what business to proceed; That the King had been misinformed; That pieces of Speeches and Actions are carried too hot to the King; That *calling, dissolving, and proroguing Parliaments, is the King's only power*; That Prerogative contrary to the Law of the Land is void, &c.

Sir S. Sands "hath been thirty years in Parliament. More bones are cast in this to divert the Proceedings of the House, than in all Parliaments he hath known."

May 28. The Lords receive a Message from the Lower House; "The Knights, Citizens and Burgesses having prayed a Conference concerning Impositions, &c., they have heard that the Bishop of Lincoln, to dissuade the Lords from such Conference, used words inferring that the Matters for such Conference were unsafe, striking not only at the Branch but Root of the Prerogative, and would give rise to undutiful and seditious Speeches, unfit for their Lordships to hear, tending to a dangerous heat and distraction of both Houses, and to make an Alienation between the King and his Subjects. They desire their Lordships will join with them in some course to give them satisfaction for so great a wrong, and shall forbear all proceedings until they receive answer."

The Lords will take the same into consideration, and answer by Messengers of their own.

1614.

A. R.

12

Scotie

47

May 30. In the *Lords*, Claim of Privilege is made and admitted, for the Duke of Richmond's Servant.

The *Lords* send a Message to the Commons respecting the Bishop of Lincoln. Their Lordships do not think "Common Fame" a sufficient ground wherein they may proceed. Nevertheless, when more certainly informed, in direct and express terms, what the words were, &c., they will proceed according to honour and justice, and give all good Satisfaction that may be.

In the *Commons*, Report is made of an Answer to his Majesty's Letter.

May 31. In the *Lords*, a Claim is made for Privilege, in the case of Lord Compton's Servant.

A Message is sent up from the Commons, touching the *Lords'* Answer. "Though the Commons do not take Common and Public Fame to be a sufficient ground or proof, by a legal and ordinary course of Justice to proceed, &c., they hold it enough to induce the *Lords* to take the matter into consideration. They desire, if the words alleged were not spoken, the *Lords* will so signify to that House, otherwise, they hope their Lordships will do as promised. They know not by what other course any undutiful Speech, uttered in this House or theirs, can be called in question."

The *Lords* answer, "Having entered into consideration of the business, the said Lord Bishop did humbly entreat that he might be heard. He did make extreme Protestation that he did not speak with any evil intention to that House, expressing, with many tears, his sorrow that his words were misconceived, which submissive and ingenuous behaviour gave satisfaction to their Lordships, that his intention was not, as has been taken; otherwise their Lordships would have proceeded to the censuring and punishing thereof with all severity. Nevertheless, their Lordships are of opinion, "That hereafter no member of their House ought to be called in question, when there is no other ground thereof than Public or Common Fame only."

In the *Commons*, the Bill for Durham is read a second time and committed.

A Conference is agreed on, in the Painted Chamber, at eight to-morrow.

The *Lords'* answer being deemed unsatisfactory, a "Dispute" arises as to going to the King with a Complaint against the Bishop of Lincoln.

June 3. (Friday.) The Commons still delaying a Subsidy, the Speaker brings a Message from the King, "That unless they forthwith proceed to a Supply, he will Dissolve the Parliament;" which Message they disregard.

June 4. The *Lords* Morley and Eure claim Privilege.

The Lord Chancellor declares, That no Privilege of Parliament protects any man in case of Breach of the Peace.

June 7. A Commission to Dissolve the Parliament is read by the Clerk of Parliament. It states, "Pro eo quod nullus Regalis Assensus, aut Responsio, per nos præstita fuit, nullum Parliamentum, nec aliqua Sessio Parliamenti, habuit aut tenuit existentem." (x)

1621.

A. R.

18

Scotie

54

January 30. (Tuesday.) A Parliament, adjourned from the 16th and 23d, meets at Westminster.

(x) *Parl. Hist.* V. 302. The Commons' Journals contain nothing after the delivery of the Message by the Speaker, on Friday, June 3.

Writs issue to Charles, Prince of Wales, Duke of Cornwall and York, and Earl of Chester, to Francis, Viscount St. Alban's, Chancellor, Viscount Mandeville, Treasurer, Earl of Worcester, Keeper of the Privy Seal, Marquis of Bucks, High Admiral, Marquis of Winchester, Earl of Oxford, Great Chamberlain, Earl of Arundell, Earl Marshall, Earl of Richmond, Steward of the Household (Seneschal Hospitii), Earl of Pembroke, Chamberlain of the Household, 29 other Earls, 6 Viscounts, 47 Barons, Chivalers. (y)

1621.
A. R.
18
Scotiam
54

A Proclamation, issued Nov. 6, is, in part, to the following effect:—

"Out of the care of the common good, whereof themselves are also participant, we do hereby admonish all our loving Subjects, that have Votes at Elections, that choice be made of Persons approved for their Sincerity in Religion, and not of any that are noted either for superstitious blindness one way, or of turbulent humours another way, but of such as shall be found zealous and obedient Children to this their Mother Church.

"And as to the Knights of Shires, that they cast their eyes upon the worthiest Men of all sorts, of Knights and Gentlemen that are Guides and Lights of their Country, of good Experience, and of great Integrity: Men that lead honest and exemplary Lives in their Countries, doing us good service therein; and no Bankrupts, or discontented Persons, that cannot fish but in troubled water. And as for Burgesses, that they make choice of them that best understand the state of their Countries, Cities, or Boroughs; and where such may not be had within their Corporations, then of other grave and discreet Men, fit to serve in so worthy an Assembly. For we may well foresee, how ill effects the bad choice of unfit men may produce, if the House should be supplied with Bankrupts and necessitous Persons, that may desire long Parliaments for their private protection; as with young and inexperienced Men, that are not ripe and mature for so grave a Council; or with Men of mean qualities in themselves, who may only serve to applaud the opinion of others on whom they depend; nor yet with curious and wrangling Lawyers, who may seek Reputation by stirring needless Questions; but we wish all our good Subjects to understand this our Admonition. We no way mean to bar them of their lawful Freedom in Election, according to the fundamental Laws, and laudable Customs of this our Kingdom, and especially in the time of good and settled Government."

Jan. 30. The King and the Prince of Wales are present. The King makes a Speech to both Houses, and, among other things, says, "Consider, *first*, who calls you? your King. *Secondly*, whom he calls? the Peers, who in respect of the eminence of their places and high honors, have an interest therein by birth and inheritance, because they are to assist the King in his greatest affairs. In the next place is the Church, the Clergy; yet not all of them, but the principal heads thereof, the Bishops, whose holiness of life doth claim a privilege in advice, and in respect of their Baronies; also the Knights standing for their Shires, and the other Gentlemen of the Boroughs; of these is the whole Body composed. *Thirdly*, why you are called? viz. to advise the King in his urgent affairs, to give him your best advice in

1621.
A. D.
18
Scotting
54

such errands as he shall ask of you, or you shall think fit to ask his advice in. The King makes Laws, and ye are to advise him to make such as may be best for the good of the Commonwealth. There is another cause also, viz., the House of Commons is called, for that they best know the particular state of the Country, and if the King shall ask their advice, can best tell what is amiss, as being most sensible of it, and also petition him to amend and redress. You are the authors of Sustenance also to him, to supply his necessities, and this is the proper use of Parliaments."

Feb. 3. (Saturday.) The King and Prince of Wales are present. The Commons present their Speaker, Thomas Richardson, Esq., Serjeant-at-Law.

Feb. 5. The Lord Chancellor, Sir Francis Bacon, Lord Viscount St. Albans, moves the House, "That such as have any Proxy from any Lord licenced by his Majesty to be absent, shall deliver the same to the Clerk of that House; and that every Lord shall cause the writ of Summons to him directed, to be given to the same Clerk, to the end that, by these Proxies and Summons, so entered, it may better appear who is absent."

Lord North states that the Writ directed to himself varies from the former and ancient form of Writs of that nature.

A Committee is appointed to consider of the orders and customs of this House, and the Privileges of the Peers of the Kingdom, and Lords of Parliament.

A Committee of Privileges is appointed in the Commons.

It is said, "Liberty of Speech was never abridged from time of Hen. I. till Hen. VIII. Then came the case of Strowde."

Mr. Speaker is not to speak, because he hath no voice, till Leave given.

The Question of a Supply is much debated.

Sir George Moore says "Religion and the Church are the principal matters for a Parliament; grievances and supply the next. Parliaments were anciently called to relieve grievances, as appears by the Statute of Edw. III. The supply and grievances may go hand in hand, and a Committee of the whole House be appointed to consider of both, but no Speech, now, "de Quante."

Sir Edward Coke. "The Privileges of the House concern the whole Kingdom. No Proclamation can be in force against an Act of Parliament. In Edward the Third's time, a Parliament was holden every year, that the People might complain of grievances. If a Proclamation comes against this, the Law is to be obeyed, and not the Proclamation. He moves for a Committee of the whole House for grievances. The remedying of them would encourage the House, and enable them to increase the Supply.

A Committee is appointed for that afternoon, but nothing is done on the Supply.

Feb. 6. It is moved, that all Members of the Commons House, in Town, and not attending, the Serjeant is to be sent for them, as well Lawyers, as others, to be here presently and attend every day.

Feb. 7. It is *Ordered* in the Commons, that the Clerk look up all the Bills of the last Parliament, and present them.

Ordered, that no Bill be read a Second time till 9 o'clock.

Ordered, that no Bill be put to pass till past 9, and notice be given a day before, that Bills shall be passed next day.

A Long "Dispute" occurs on the Report from the Committee of Privileges, on Elections. 1621.

Sir Edward Coke. "Every Englishman is not a Member of the Upper or Lower House. Nowell was put out, because he had a voice in Convocation. A Banneret cannot serve here, in respect of the Honor he hath at Funerals." A. R. 18 Scotian 54

Viscount Fawkeland having been elected a Knight for Herefordshire, before he was a Baron of Scotland,

Sir Edward Coke says, "Putting him out may break our Privileges. He was chosen when no Viscount. The matter, ex post facto, is not to put him out. It is no disgrace to Scotland or Ireland, for a Nobleman there, is none here."

Ordered, not to proceed with the Report to day.

Feb. 8. Several Peers are excused for want of health. A Clerk of the Petty Bag office is brought to the Bar, to answer a Complaint for omitting in the Body of the Writs directed to several Lords, the words "Perdilecto et Fideli uostro." He is committed to the Fleet, notwithstanding his penitence and apology, but, on the 10th, on his petition, is discharged.

In the Commons, a Minister being returned for Morpeth, Northumberland,

Sir Edward Coke says, "when he was Speaker, one was put out, and Alexander Nowell, though he had not "Curam Animarum," was put out, because of the Convocation House."

It is *Resolved*, on Question, that his Return is void, and a new Writ to issue for a new Election.

Resolved, also, that the Order of last meeting of Parliament concerning the not serving of the Attorney-General in this House, shall stand.

Ordered, That Henry Pelham, chosen for Grimsby, Lincolnshire, when beyond sea, be retained, but the matter be referred to the Committee of Privileges.

Doubts existing as to what Members had been sworn, it is *Resolved*, that the House be called over, and every Man to take the Oath again.

Sir Edward Coke. They may be clearly sworn again. So, heretofore, when he was Speaker.

Feb. 9. It is *Resolved*, on Motion, that they not sworn, though come into the House, may be sworn by the Lord Steward or his Deputies, and that the Commissioners ought to administer the Oath to them.

A Motion is made, that none, upon Bill or Motion, speak twice in one day.

A "Dispute" takes place upon the Election of Sir George Hastings, a "Non-Resiant" Knight

Sir Edward Coke. This is a case of the greatest consequence, whether any Statutes make a Non-resiant in a County, City, or Borough, incapable, and so his Election void. The meaning of the Acts, 1 Henry V., 8 and 23 Henry VI., is that such should be chosen as know the State of the Country and the Grievances thereof. There are no words in the Statute to make the Election void.

Sir Lawrence Hyde never knew any removed for that cause in all his time. Never heard it questioned, and thinks divers worthy Gents, not Resiant, have served. The Statute, 1 Henry V. hath no Penalty, therefore, it would be idle if the Choice should not be void.

1621.

A. R.

18

Scotie

54

Mr. Speaker. The words are affirmative. Such as are Resiant shall be chosen.

Resolved, on Question, that the Election is good.

Mr Speaker then chargeth the Sheriff as a great Offender to the House and State, that Sir George Hastings being chosen by the greater number, he had refused to return the Election.

The Sheriff confesses it, but acted on Counsel's Opinion that Sir George was not eligible, as not Resiant.

He obtains pardon of the House.

Feb. 10. In the *Lords, Ordered*; The Lords' Committee for Privileges to set down what Title they shall find and think fit, to every Nobleman, being a Peer of this Realm, and how their Lordships are to be stiled, in such Writs aforesaid.

The Lords' House is called, beginning with the High and Excellent Charles, Prince of Wales, and descending down to the youngest Baron, in order.

Sir John Leedes having sat a quarter of an hour in the Commons' House, not being sworn; *Sir Edward Coke* says, By the Law, he is disabled to serve in this Parliament, and therefore he ought to be discharged, and a new Writ to issue.

It is *Resolved*, accordingly.—A new Writ, by course, not order, to elect another Burgess in his place, he paying the Sergeant's Fees, and other punishment being remitted, the omission being only from negligence.

Feb. 12. In a Debate on freedom of Speech, it is *Ordered*, on Question, "To go to the King, by Petition, for freedom of Speech."

Feb. 13. It is *Ordered*, That a Bill on the Second Reading is to be ingrossed, if nobody speaks against it.

Mr. Hakwill states—The Commissioners have found almost four hundred Statutes fit to be repealed, "*as being Snarers to us.*"

A Special Committee is appointed to survey and draw them into one Law.

Ordered, No Member to go out of town, without open motion and licence in the House, made after 9 o'clock.

No man may speak, when a Question is once put; but the Question, if doubtful, may be put again!

A Question is made, whether the "I" or "Noe" is to go out of the House.

It is *Resolved*, The "Noe," according to Precedent, 7 Jac.

Feb. 14. The Commons desire a Conference, and 40 Lords are appointed to confer with 80 Commons. A Petition to the King is *Resolved* on, for putting the Laws in execution against the Jesuits. The Lords having made a verbal addition, with the Proviso, "that if the Commons did not approve of the words, they should be left out;" the Commons insist "that nothing formerly agreed to, should receive alteration, in matter, or form."

Feb. 15. A Member, Mr. Shepard, is discharged from the House, for his Speech on the Bill for keeping the Sabaoth, otherwise called Sunday. "The House doth remove him from the service of this House, as unworthy to be a member thereof."

Objections are taken to the Term "Sabaoth, Dies Sabbati being Saturday," and Sunday being used in all Statutes.

Sir George Moore. "In every Parliament, I have served, have been Bills for observing the Sabbath."

Feb. 16. A "Jarr" having taken place between the Earl of Berkshire and the Lord Scrope, and the former having "pushed

or thrust the latter forcibly in the House against the dignity of it," he is called to the Bar of the Lords' House, censured, on his knees, by the Lord Chancellor, and committed to the Fleet. He is afterwards, (Feb. 17), on motion of Lord Scrope, enlarged, and delivers a submission in writing, and, on his reconciliation with Lord Scrope, is discharged.

Feb. 17. Ordered, in the Lords. The Lords' Sub-Committees are to rectify the Journal Book of this House, and the Entrances therein.

The Judges hesitate to deliver an opinion on his Majesty's Prerogative.

On Question of a Return in the Commons,

Sir Edward Coke says, Before Hen. 4, all Writs were returned into Parliament. They then would determine all our Privileges as now Writs of Error. Therefore, by Statute Hen. 4, to be returned into Chancery. The Indenture sealed and filed is to be the Sheriff's return.

Feb. 20. At a Conference, the Commons desire to receive a note or memorial in writing, which the Lord Chancellor took, of his Majesty's answer; to which the Lords agree.

Feb. 21. The Lord Zouche "not being able to stand," is allowed, by order of the House, to speak sitting.

Privilege is claimed for the Earl of Oxon's Servant.

Feb. 23. Privilege is claimed for the Archbishop of York's Servant.

Feb. 26. *Sir Edward Coke* (on question of a Return) says, no man is a Burgess till returned of Record. In 7, R. 2, a Baron called by Writ to Parliament, (till then all were called by Writ) died before he came to the House. It was questioned whether he was a Baron or not. Resolved, No; nor his Son a Baron, because the Writ was not returned, nor he sat in Parliament. The Election is but an Inception; the Indentures are Progression; Return, Consummation. One chosen dieth before the Return, they may choose another by that Writ. There is no removing a Member, but where Practice or Abuse. (x)

March 1. (Thursday.) The Lord Archbishop of Canterbury reminds the House, that anciently, and till very late times, this High Court did forbear to sit on Wednesdays and Fridays, for that the Lord Bishops, on those days, did and were accustomed to meet and be busied in the Convocation. His Lordship moves that they would be pleased not to meet or sit here in Council upon the said days; which Motion is generally Allowed, with Provision, That the Lord Chancellor do propose unto the House on Tuesdays and Thursdays, whether the Court will sit next day or not, or shall be adjourned, as before by the Lord Archbishop of Canterbury was moved.

March 3. The Commons send up a Message as to Sir Gyles Mompesson.

A Report is made, that Mynehead, 1 Eliz., was incorporated with condition for repair of their Harbour; that, from 5 Eliz. to 1 Jac., they sent Burgesses, but their Corporation and Liberties were seized about 43 Eliz. for breach of said Condition. They sent no Burgesses 12 Jac. Except they had Precedents before 5 Eliz., their election and return were void.

(x) In the Commons' Journals is a blank from 19th to 26th of February, the Clerk being ill, and the Notes of his Son, acting as Deputy, not being admitted.

1621.
A. 16
18
Scotie
54

March 5. *Sir Edward Coke.* The Statute Magna Charta, 29 cap., was confirmed thirty-two times. None to be imprisoned, &c. It was called Magna Charta, not for the largeness, but for the weight. All the old writers call it the Charter of Liberties.

March 6. *Mr. Waincroft* moves for an enlargement of the Room for Members of the House.

On another Question, a division takes place of 188 against 169.

March 7. *Resolved*, not to admit any Committee from the Convocation House to meet our Committee. To hear them at the Committee by their Counsel, or by themselves, as Parties interested.

Mr. Glanville. There is a difference between an adjournment which both Houses may do for a moderate time, and a Prorogation. Thinketh the Law to be, that the Royal Assent to a Bill, without a Prorogation, endeth not a Session.

In the Commons, Privilege is claimed for His Majesty's Groom.

March 8. In the Lords, *Sir Edward Coke* says, King Alured made an Act, with the advice of his wise men to have two Parliaments every year. That was the only place where chief wrongs may be complained. Edward I. made an Ordinance to have a Parliament every two years. Edward III., for reformation of Grievances, one Parliament every year. Duo in Uno: Unum in Duobus: Unum in Uno.

March 9. *Mr. Mallory*, will spare none, though they sit in Chairs. Mr. Speaker came out of the Chair without consent of the House.

Sir R. Phillippes admonisheth the Speaker, that sometime he neglecteth his duty to the House, in intrincating or deferring the Question.

Mr. Nenyll must a little reflect upon Mr. Speaker, that he hath made plausible Motions abortive.

Sir H. Manners. Mr. Speaker is but a Servant to the House, not a Master, nor a Master's Mate.

Sir H. Withrington. Mr. Speaker is the fault of all their faults, by preventing them with rising.

Sir W. Herbert. He was required to sit still. He must respect the meanest, as well as those about the Chair.

Sir Nathaniel —. He may never rise out of the House at an inconvenient time, nor at the ordinary time, if the House oppose it, without dividing it by Question.

Mr. Speaker is to go out of his Chair, and none to go out of the House. He is to attend again in the Afternoon.

March 10. A Message from the King being brought by Mr. Attorney-General, it is *Resolved*, he should come up to the Table, and Mr. Speaker, and the whole House to be bare, while he delivereth it.

March 12. The Clerk of Parliament being dangerously sick, is a humble Suitor, that Henry Elsyng, who hath a Patent for the Clerk's Place in Reversion, may be admitted as Deputy Clerk. *Agreed.*

Agreed. The Deputy Clerk of Parliament to be sworn, and an Oath devised by the Lords' Sub-Committee of Privileges.

Agreed. The King to be moved not to grant any more Reversions of the said Office, until the House be first moved therein.

The Lord Chamberlain declares to the House, "That at the

last Conference with the House of Commons, two *great Lords* (the Lord Chancellor and Lord Treasurer) spoke in their own defence; not being allowed so to do when Committees are named, and the said Conference directed and limited by this House; which was against the ancient Orders thereof. Therefore, his Lordship moves, that an Order may now be entered to prevent the like hereafter. The Motion is agreed to, with the addition, "That the said Lords shall give the House satisfaction, by an acknowledgment of their error." The Lord Chancellor and Lord Treasurer acknowledge, that, contrary to the Orders of the House, they had spoken at the last Conference, more than they had by direction of the House to do, and had erred therein.

1621.
A. R.
18
Scotting
54

It is particularly ordered, that these acknowledgments be entered on the Journals.

It is moved and agreed to, That no Lords of this House are to be called *Great Lords*, because they are all Peers.

The Lord Admiral moves, "That the ancient Order of the House was, that before any new business be begun, the matter in hand be first determined; and this to be entered."

Report is made concerning Protestation upon Honour.

The King having understood, that "The Peers conceived it to be a Privilege to protest only upon their Honour, and not to be put to their Oath;" the Lords appointed to attend his Majesty as a Committee of Privileges, answer, they had much Cause to think, that, in the time of divers of his Royal Progenitors, they had enjoyed that Privilege, though it had been invaded to their disadvantage, when they were not careful of it. His Majesty desires them to answer ingenuously, "Whether they think Protestation upon Honour, or Oath, to bind them more?" The Lords answer, *unâ voce*, "Protestation upon honour, as being the same before God and before the world; and in regard to the Trust given to their degree, a far greater Charge." The King willingly agrees to this Privilege, &c. &c.

Mr. Wentworth moves, in the *Commons*, that all men are to have access to Records, by Act of Parliament, 42 or 46 Edward III.

Mr. D. Gooch. There is a difference between coming to search, by the Officer's Consent, paying his Fees, and by authority and command.

Mr. Pye. Searching of Records is dangerous, therefore, would have it prevented.

Mr. Whatman. The Statute extendeth not to Records concerning the King's Revenue.

March 13. A Conference taking place between Committees of the Lords and Commons, on Grievances, the Committee of the Lower House desires to be excused from entering into verbal Information and Disputes, as they have no Authority so to do, but humbly desire to return to their House for such Authority, and to meet again; which being obtained, they request another Conference with the Lords, on the subject of Monopolies and Grievances, on Thursday, at Nine, A. M.; when the Committees meet in the Painted Chamber.

March 14. Report is made of a Bill for Knights and Burgesses for the County Palatine of Durham, with Amendments.

It is proposed that there be Knights for the County, Citizens for Durham, Burgesses for Barnard Castle, because it is the Prince's Town, and he desireth it, and for Hartipool, because it is a Port Town. Other Places are rejected, "because of pes-

1621.

A. D.

18

Scotie

54

tering the House, and because these are incorporated by the Bishop, and not the King."

Sir W. Earle and Sir W. Gravenor. The number assigned is too great. Durham should have no more than Chester, two Knights and two Burgesses.

Mr. Smith. Gloucestershire, far bigger, hath but two Knights, two Citizens, and two Burgesses.

It is *Resolved*, Durham County to have two Knights, City, two Burgesses, Barnard Castle, two Burgesses. Hartepoole to have none. The Bill to be ingrossed.

March 15. According to ancient Orders of the Upper House, the Afternoon Sitting begins with Prayers.

Privilege is claimed for the Earl of Stafford's Servant.

The Lord Chamberlain reports, The Commons had delivered in the Declaration of their Grievances, and the Capita of their Proofs in writing, sub Protestatione, that it was not to be a Precedent for them to deliver in their Proofs in writing hereafter.

In the *Commons*, Sir Robert Philips makes a Report from a Committee appointed to examine into the Proceedings of the Courts of Justice. He then accuses the Lord Chancellor Bacon of Corruption, and opens the nature of the evidence against him.

Resolved. No Protection to be granted by any; Service being the only Privilege in this House.

March 16. The Lords' Committees of Grievances find that the Testimony of certain Members of the Commons' House is fit to be taken on Oath. They inform the Commons, that, as Members of their House, they will not send for them, but recommend the same to their consideration.

In the *Commons*, *Mr. Glanville* says, "This House has no power to take an Oath, Because it is presumed to know all Grievances to the Commonwealth. The Judgment of this House, of matters of fact, is, therefore, not after to be questioned. All are grounded upon Matter of Record or Writing, except two or three.

Sir John Jephson. A Member of this House may be examined in another Court if he will, so he thinketh, it may be done voluntarily here.

Mr. Noye. The Lords have no more reason to desire any of us to be sworn to any thing that we have delivered to them, and wherein we desire them to join with us, than we have to crave to examine any of them, for any thing we receive from them.

Upon Question of the Election for Mynehead, it is alleged by Counsel, "That it challenged not by Charter, but Prescription, clearly from 5 Eliz. From Edw. 4 till 33 Hen. 8, no Records are kept, and thence ill kept."

Resolved; The Election is good.

March 17. The Lords receive an Answer from the Commons, "The Parties required having tendered themselves to be sworn, the House will not be scrupulous."

March 19. Sir Robert Ley, Knight and Baronet, Lord Chief Justice of the King's Bench, is appointed Speaker, pro tempore, during the indisposition of the Lord Chancellor.

The Commons send up a Bill of Subsidy, with a Proviso, "That since it is not usual to grant a Subsidy at the beginning of a Parliament, they desire that it may not be drawn into a Precedent, &c., as the Royal Assent may be given by Commission, or otherwise, for the speedy levying of the same, the Par-

liament still sitting." A Bill is read, in the *Lords*, for Confirmation of Subsidies granted by the Clergy.

Memorandum. By ancient order of this House, the Preamble fixed to the Top of this Grant, and the Grant itself and the Confirmation, fixed to some part of the same Grant, are to be read the first time, and, the two other times, nothing but the Preamble and Confirmation.

Memorandum also. The Baille aux Communs, is to be subscribed at the bottom of the Confirmation, and the Royal Assent to be written at top of the Preamble.

March 20. Report is made in the *Lords* of a Conference respecting the Lord Chancellor.

P. M. Ordered. The Absents from Prayers in the Afternoon, are to pay as in the Forenoon.

A Committee is appointed to receive Letters and other Writings from the House of Commons.

Mr. Secretary brings a Message to the Commons for the Prorogation of Parliament to Tuesday, 10th of April.

March 21. Sir Robert Floyde is removed out of the House, as a Projector and Maintainer of a Patent.

March 22. In the *Lords*, on the motion of the Prince of Wales (who attended daily), it is *Ordered*, "That, by the Ancient Order of the House, no Lord is to speak twice, but only to explain himself, should some other Lord mistake his meaning."

The Earl of Arundell shews it to be against the Ancient Orders, for any Lord, whilst another is speaking, to disturb the House by talking.

Ordered, upon a Motion for Precedents touching Judicature, Accusations and Judgments, anciently used in the High Court of Parliament, that a Committee be appointed to search among the Records remaining in the Tower and elsewhere.

A Report is made in the *Commons* on the Returns for Sandwich, &c. The Borough standeth of a Mayor, Jurates and Commons. By an order of Lord Cobham, Warden, confirmed by the Lords of the Counsel, the Mayor and Jurates only are to make Elections. The Commons are thus debarred from giving their voices, with threats and imprisonment. Sir Robert Hatton is chosen by the Mayor and Jurates. Sir Edward Sands by all. The Election of Sir Robert Hatton is held to be void by the Committee and a new Writ ordered, but forborne for the present.

In the case of Westminster, the question is, whether the election is void, because no Indentures are made between the Sheriff and Electors, but between them and the Bailiff.

Sir Edward Coke. Consuetudo optima Interpres Legum. The Election is clearly good. If the Bailiff of Westminster hath ever done it sithence the Statute, not to alter it.

Carried by 168 to 155.

P. M. Ordered. That the Sergeant-at-Arms go to the Upper House, and charge all Members of this House that are there, to repair instantly to this House, to attend the Speaker into the Upper House, upon penalty of censure of the House.

March 23. The Lords' Committee Reports on Precedents.

In the *Commons*, Sir Thomas Wentworth having sent to the High Constable of York to desire the Freeholders to be at Yorke to give their voices for Sir G. Y. and Sir T. W., "if they thought fit." The Constables omit this Clause, and only "will and require them" to do so, as was "the use."

1621.

A. R.

18

Scotie

64

1621.

A. D.

19

Scottish

54

They acknowledge their offence, kneeling at the Bar.

March 24. It being Coronation Day, the Members go to the Abbey, at Nine, A. M., to hear a Sermon, and no Committees sit.

March 26. The King attends the House of Lords and makes a Speech, for which he is most humbly thanked by both Houses.

It is *Ordered*, "That in respect of His Majesty's most gracious Speech, this day shall be yearly a Sermon Day throughout all England, especially at Westminster, and all the Lords in Town shall resort to it."

Ordered, farther, that in all future Parliaments, the Lords shall sit in their Robes on the 26th of March, "in perpetuum rei memoriam." (a)

In the *Commons*, Sir Edward Sands, moveth for Pomfret, which in Edward I., and after, sent Burgesses. It afterwards decayed by the Wars. The King, 4 Jac., granted them a Charter, with Restitution of all their Liberties and Privileges. It is committed to the Committee for Privileges.

A Committee is appointed to *enlarge the House*, and keep out the Sun.

P. M. The Lords being ready to give judgment against Mr. G. Mompesson, send to say, if this House will come up and demand Judgment, or come up and hear it, they leave to the consideration of the House.

Mr. Hakewyll. The Precedents are, the Commons sometimes have demanded it; and, in some cases, when the Lords have given part of their Judgment, the Commons have required a Supply, as 50 Edward III., &c. At all Judgments, at the prayer of the Commons, the Commons are present.

Sir Edward Coke. Where the Commons complain to the Lords, they judge it, and the Commons are present. Therefore, Mr. Speaker is to go up now, and say to them, that sithence the Lords have taken into consideration Sir G. M.'s Case, &c.

The Speaker, with all the House, goes up to the Lords, and demands Judgment, which is pronounced by the Chief Justice, Speaker of the Lords' House.

March 27. In the *Lords*, *Ordered*, "The Records of this Parliament to be entered and enrolled, the Journal Book to be engrossed in Parchment, the Acts, Judgments and Standing Orders to be enrolled and kept in Parchment."

Ordered. A Collection of Money to be made by their Lordships, to be distributed to the Gentlemen, who, at great pains, have searched the Records and taken Notes; the said Notes and Precedents to be engrossed in Parchment and kept.

A Report is made in the *Commons*, from the Committee of Privileges, that Pomfret, 26 Edward I., sent Burgesses, and long after. By the Barons' Wars it grew poor, and, 10 and 11 Henry VI., returned they could not send Burgesses, by reason of Poverty; That 4 Jac., the King restored their former Liberties and Customs, &c. The Committee think a Writ should go forth. Ilchester sent till Henry V. Upon Question, *Resolved*, that both are to send.

Sir Edward Coke reporteth, from a Conference with the Lords, the King's Speech to them. "That the Commons' House had shewn in this Parliament more respect and duty to him than any before." That the King spake pleasantly and pleasingly, "that the

(a) For this Speech, see Rushworth 1. 24.

Parliament had bribed his son, he was so forward in furthering all Parliamentary Businesses." 1621.

Mr. Secretary says, "This is the happiest Parliament hitherto." A. R. 19

Both Houses adjourn to Tuesday, 17th of April. Scotiam 54

April 17. (Tuesday.) The Parliament again assembles.

April 18. The Sheriff of Hindon having directed his Precept to the Burgesses, not to the Bailiff, Sir J. Davys and Mr. Antyll are elected. A second Precept is directed to the Bailiff of Downton. All, but one, elect the former. Sir Edward Ludlow, with some other Out-dwellers and that one, elect Sir Edward Ludlow. Three are chosen by several Indentures, and are returned. Sir J. Davys, on a double return, chooses another place. It is *Resolved*, that the Election of Mr. Antyll is good, and a new Writ ordered in Sir J. Davys' room.

April 24. The King again addresses both Houses.

Motion is made in the *Lords*, "That a great Cause is to be heard in the Star Chamber To-morrow."

The *Lords* are contented not to sit, provided it be not drawn into a Precedent, but that this House, being the Supreme Court, may sit upon any Star Chamber day, notwithstanding the absence of such *Lords* as do use to attend that Court.

P. M. The Lord Chancellor Bacon sends his Submission (Francis St. Albion, Chancellor).

Agreed. This Submission does not give Satisfaction.

The *Commons* expel from their House Sir John Bennet, Knight, Judge of the Prerogative Court of Canterbury, for divers exorbitant Oppressions and Bribery.

April 26. Ordered, in the Lords, "This House will receive no Petition, unless exhibited by the Party himself, or commended from the House of Commons."

Sir Henry Fynes, Gentleman of the King's Privy Chamber, being arrested, Privilege is claimed for him.

Ordered, a Writ of Summons for the now Earl of Hertford, his Father being dead.

Ordered, The House to sit To-morrow, though a Star Chamber Day.

The Bill for the County Palatine of Durham, to have Knights, Citizens, and Burgesses, passes the Commons.

A Motion is made on Ireland.

Sir W. Jephson. The late Rebellion was caused by defects in the Government. Ireland is ready to throw off the yoke of England, and has as just cause as ever. There is a general defection to Popery. Religion is the best tie to Princes. Wrong, Robbery, and Oppression, are in the Guides and Lights there.

Serjeant Davys. Ireland is a Member of England. A greater Reform has been there sithence the King's time, than ever since the Conquest. We cannot make an Act of Parliament to bind Ireland.

Sir Edward Coke. The Cause is weighty, our Proceedings must be wary. "An licet, an convenit," are the two main parts of all Consultations. Ireland was never totally reduced till the King's time. If Ireland, our back door, be not safe, we may be undone. Every Parliament has received Petitions of Grievances from Ireland. She is a Member of England. The Laws are like ours. A Writ of Error from Ireland into the Court of King's Bench there. A Parliament has been there sithence Poyning's Law, 10 Hen. 7.

A Committee on Ireland is appointed.

1621.
A. R.
19
Scotie
54

April 30. The Lord Chancellor, by Letter, informs the House, he had received this morning, their Lordship's Order for a Writ of Summons to the new Earl of Hertford, but, on Thursday night, received an Absolute Commandment, under His Majesty's Royal Signature, to stay the Writ until His Majesty's further pleasure therein; with a Clause, warranting him to give knowledge of this His Majesty's Commandment, if such a Writ were required.

The Earl of Montgomery and Lord Cromwell claim Privilege for their Servants.

In the Upper House, the Prince of Wales reports "that, according to their requests, he with certain Lords, had moved His Majesty to sequester the Great Seal from the Lord Chancellor, &c;" to which the King consents.

In the Commons, *Sir Edward Sands* states the danger of Ireland, chiefly from the state of Religion abroad, which is dispersed into six parts of Christendom. Half of it almost is gotten away, viz., the Alps, Bohemia with its Members and the Palatinate. Ireland, for Religion, is in the uttermost extremity of ruin. In many places is scarce one Protestant, for one hundred that were before.

Sir F. Seymour moves to petition the King, that we may examine and inform him of the misdemeanors in the state of Ireland.

May 1. (Tuesday.) *Sir Edward Sands* moves for an order, that whenever it shall hereafter appear that the King is misinformed of our proceedings, the Speaker, as mouth of the House, may inform him of it.

Mr. Alford is sorry the King should thus be daily informed of our consultations. Moves that the King may be intreated not thus often to interpose, which endangers the liberties of the House.

Sir H. Poole moves a Petition to the King that he will censure those who thus misinform him. As to the creation of Baronets, he acknowledges the King's absolute power in disposing Honour. There was never hereditary Honour established among the Commons before.

May 2. The Chief Justice is, by Commission, appointed Speaker of the Lords.

The King, by the Chancellor of Exchequer, sends the following Queries. *First*, whether this House hath power and to what extent, to examine and punish offences, not of Members of the House, on general grievances. *Secondly*, whether it may censure a denying party without accusation upon oath. The King has been told that we are a Court of Record, and have power to judge of ourselves in some cases, and in others, jointly with the Lords. The King desireth Precedents to warrant this and that a Paper be read here containing a Record, 1 Hen. 4.

Mr. Noye. No doubt in some cases this House may give judgment in matters of Returns and Members falling out, in view, in Parliament time, but for foreign business knoweth not how we can judge it. Knoweth not but the matter of Judicature remaineth above with the Lords. Knoweth not if we have used to give judgment except as above.

Sir H. Poole, would be glad, if it could be made good that the Commons may judge of themselves. If once we were all one with the Lords, being now parted, our power of Judicature remaineth.

Sir Edward Coke. There is no question but this is a House of Record, and hath power of Judicature in some cases. We have power to judge of Returns and Members. We make a Warrant to the Great Seal and have therefore a power of Record. We may put a Member out of the House upon Record. One, no Member, offending out of the Parliament, when he came hither and justified it, was censured for it. The King's Bench, nor any other Court, can judge in all cases. This Record of 1 Hen. 4, is but an Ordinance, no Statute. The power we had before, remaineth still, being not taken away by Act of Parliament. In this case, an Ordinance bindeth us not. "Coram Magnatibus et Communitate." When the Lords will have our advice, we may join with them, as appeareth by this Record. The Lords may judge alone without the King, and it standeth with this Record. It is as hath been used, by the very words. When the King is there, then they join; else, alone.

1621.
A. R.
19
Scotia
54

Mr. Crew. No Question this is a Court of Record, and hath power to give an Oath, though we forbear in respect of want of use; we may punish when the House is wronged.

May 3. The Knights, Citizens and Burgesses humbly demand judgment against the Lord Chancellor Bacon, which is given accordingly.

May 4. The Bishop of Rochester claims Privilege.

The Commons having before taken proceedings against Edward Floyd (Lloyd), for scandalizing the Queen of Bohemia, the King's eldest daughter, having examined witnesses, given judgment and entered it as an act of their own, the Lords think it "trencheth deeply into their Privileges, for that all judgments do properly and only belong unto the Lords."

Mr. Secretary informs the House, the King had commanded him to let them know his care about Floyd; he gives his thanks to the House for their love of him and his Children, will give order for him to be examined by the Lords upon oath, and leaveth it to the judgment of the House, whether to insist farther upon their right of judging this business here, or go to the Lords, as in all other business of this Session.

Sir H. Withrington thinketh not but we have power to give an oath, and as to Precedents, every Precedent had a beginning.

Sir Thomas Wentworth. The Judgment was rightly given. Execution may be stayed by the King, as in Judgments by the Lords.

Sir Edward Coke. Judgment is not to be stayed for the Great Seal. Yet where Felony or Treason is, the King may stay the Proceeding. This Judgment is given for the King. Any man can stay his own Suit. The Judgment is not to be questioned. Every man, though absent, is involved in it, as his own Judgment, though he is of a contrary opinion. It is already entered. As the only Party, the King may stay the Execution. In Indictments, it is otherwise.

A Committee is named to set down the Judgment in writing.

May 5. The Lords Resolve "not to suffer any thing to pass which might prejudice their Right in this point of Judicature, and yet so to proceed as the love and good correspondency between both Houses may be continued." They send a Message in writing to the Commons, and a Conference is appointed for the Afternoon. Mr. Serjeant Crew having opened the Precedent of the Parliament, 1 Hen. 4, sheweth that the Commons are not Judges in Parliament, but that Judicature belongs unto the

1621.
A. R.
19
Scotia
54

Lords. The whole House goes into Committee in the Painted Chamber.

On return, it is Agreed, the Judges and King's Counsel shall consider of what the Commons alleged for their right of Judicature.

In the *Commons*, upon Debate, Sir George Moore says, As a Court of Record, we have Conusance of this Cause. We may judge it without Oath, as in divers other Cases.

Dr. Gooch. This House may give Oath, though not necessary in every Judgment. *First*, we may proceed by Oath, as incident to every Court of Record. There is no Precedent to the contrary. *Secondly*, it is not necessary to give Oath where the thing is notoriously known or confessed. Where "*coram non Judice*" it is void; where it is unjust, yet it is good, till reversed. So here still good. *Thirdly*, we have proceeded here by Oath, the greatest Oaths of the witnesses that could be. Tendering the Book is not necessary. There is no exception from want of Solemnity, where there is a Sovereign Court as this, from which is no Appeal.

Mr. Huckleill. This Judgment is *justum et justè*. *First*, this is a Court of Record. It was confessed by the King in the first Session of Parliament, and by Statute, 6 Hen. 8. *Secondly*, it is a consequent and incident to a Court of Record to give an Oath. What we have done is equivalent to an Oath. Any man here shall speak upon his Allegiance, and, if falsely, we send him to the Tower and fine him.

May 7. The Lords having considered the Precedents, find they tend to prove;

- (1) That the House of Commons is a Court of Record.
- (2) That they have ministered an Oath in matters concerning themselves.
- (3) That they have inflicted Punishments on Delinquents, where the cause hath concerned a Member of their House, or the Privileges thereof. The Question now is, whether that House may proceed to sentence a man, not a Member, for a matter which concerns not that House, for which the Commons allege no Proofs, nor produce any Precedents.

Their Lordships *Agree*, to shew, at a Conference, that the House of Commons has no Power of Judicature, nor Coercion, against any, but in matters concerning that House.

May 8. In the *Lords*, the Speaker had received a Writ of Error (as Lord Chief Justice) to reverse in Parliament a Judgment given in the King's Bench. The order is, the Lord Chief Justice of the King's Bench is to bring in the Record. He moves, whether it be the pleasure of that House, that He or one of the Judges do fetch and bring it in.

Ordered. The Lords' Sub-Committees of Orders and Customs to consider, and set down the Form on Saturday.

P. M. The *Lords Agree*, That the Sub-Committees which are to meet the Commons, do not yield, That this Judicature which the Commons have done, may, in time to come, be a Precedent to wrong the Privileges of this House.

On the proposed Conference, *Mr. Glanville*, in the *Commons*, says, The House will suffer nothing, by yielding to the Lords that we shall not hereafter make use of this Precedent to strengthen our own Privileges.

Mr. Solicitor. It can do no harm to this House to agree that no use of this Precedent shall hereafter be made, for increasing our power, or abridging the Lords.

May 9. On Question of a quarrel, in the House, between two Members, *Sir E. Sands* would admit no testimony of any not of the House, without oath, whereof, no question, we have power. 1621. A. R. 19
Scotie 54

Mr. Recorder. No doubt we may give an Oath now, yet no need, because the witnesses are Judges and not to be sworn; not sitting now.

Mr. Solicitor. No doubt we have power to give an Oath, yet not convenient, except special cause.

Mr. Crew. An Oath is as incident to us as a Court of Record, as a Court Baron is to a Manor. Precedents are for it. Yet it is to be considered how now to use it.

Mr. Wentworth. Mr. Justice Crooke in his Report, says, the Commons' House may take a Recognizance as well as the Upper House.

Upon Question, "Mr. Coke for his contempt of the House in striking a Parliament man is to be sent to the Tower during the pleasure of the House," and kneeling at the Bar, he receives his judgment from Mr. Speaker.

May 12. The Lords having urged that the Commons are not Judges in Parliament, but that Judicature belongs to the King and Lords alone. The Commons allege their Right of Judicature. It is answered, the Question is not whether that House has a Right of Judicature in matters concerning themselves, but whether they may proceed to sentence any man not a Member of that House, and for a matter which does not concern them. The Lords determine, "That the House of Commons has no power of Judicature, no Coercion against any, but in matters concerning their own House.

Sir Edward Coke reports from a Sub-Committee on the Conference respecting *Floyde*. They recommend a Protestation to be entered in the House of Lords, by consent of the House of Commons, "That the Proceeding lately passed in that House against *Floyde*, be not at any time hereafter drawn or used as a Precedent, to the enlarging or diminishing of the lawful Rights or Privileges of either House, but that these shall remain in the self same state and plight as before.

May 13. A Report on the Conference is made to the Lords. "The Commons out of their zeal, sentenced "*Floyd*," but leave him to the Lords, with hope that this House will censure him also."

A Protestation concerning the Commons' Judicature is made, by consent of the Commons' House.

On view of the Precedents 22 Edw. 3, it is Ordered, "The Lord Chief Justice, on Monday next, to bring in the Record, mentioned in the Writ of Error directed to him."

The Lord Steward and Lord Mordaunt claim Privilege.

May 14. The Lords give allowance to what the Sub-Committee propounded. The Protestation is ordered to be entered as in the writing brought under the hand of the Clerk of the Higher House.

May 16. The Lords pass Judgment on *Sir H. Yelverton*, and the Commons accuse the Bishop of Landaff.

May 18. The Earl of Northumberland petitions for his Writ of Summons. It is Ordered, to be made and sent.

The Earl of Hertford also petitions. Ordered, to learn His Majesty's pleasure.

In the Commons, a Report is brought from the Commons'

1621.
A. S.
19
Scotim
54

Committee of Privileges, "They of Pembroke stood upon it they only had right and the Out-Boroughs none. The Out-Boroughs had been refused their voice. The Choice by Pembroke was held void. Hertford Borough desireth Burgesses having had heretofore. Also three Boroughs in Com. Bucks, Wendover, Amersham and Marlow. (All four are allowed, 4 May, 22 Jac.)

On account of Whitsuntide, both Houses adjourn to Thursday, 24th.

May 24. Restitution in Blood is made to Carew Raleigh, son of Sir Walter Raleigh, late attainted of High Treason.

His Majesty, by Message, is well pleased, that a writ be sent to the Earl of Hertford, so as the Earl do take his Place according to the new Creation of that Earldom, and not otherwise.

May 26. The Lords sentence "Floud."

Ordered, That, hereafter, no Gentleman shall be whipped, but in case where he shall abuse the Persons of the King, Queen, or their Issue, with base and unfit Terms.

May 28. Privilege is claimed in the *Lords*, for a Yeoman of His Majesty's Guard.

His Majesty, by Message, thinks fit to *adjourn* the Parliament, for these Reasons:

(1) The Season of the year, which by this great concourse of People, may cause Infection.

(2) The use this time may have of Lieutenants of Shires and Justices, in the Country.

(3) Because the Courts of Westminster have not had their Ordinary Proceedings this Session.

(4) Because the Profits of His Majesty's Revenue are, as it were, at a Stand.

(5) The Omission of State.

The Reasons why he will adjourn, rather than prorogue:

(1) The Adjournment keeps a kind of Being in the Parliament.

(2) Whereas many good Bills are preferred and not passed, the Adjournment reserves them in the same state they now are.

(3) It will keep many Laws in continuance, which will end with a Session, without a Special Proviso for the same.

(4) His Majesty's free and general Pardon is not yet prepared, which His Majesty intends to the better sort of People, as well as to the meanest.

(5) Being there are so many Bills exhibited, His Majesty cannot, in so short a time, apply his mind to advise, which to accept and which to refuse.

His Majesty proposeth to reform divers Grievances, and appoints Sunday next in the Afternoon to hear any thing concerning them.

On Monday, His Majesty will send a Commissioner for adjournment.

The *Commons Resolve* to request a Conference on this Message.

May 29. The *Commons*, at the Conference, pray for a Petition to His Majesty for the continuance of the Parliament.

The King, by Message to the *Lords*, considers it a Derogation of his Prerogative to call, adjourn and determine Parliaments; and, of favour, he had made election rather to adjourn than prorogue. His Majesty advises a select number of Bills to be chosen, which he may pass, and either make a Session or Adjournment at his pleasure, whereon His Majesty will advise with the

Judges, whether the Royal Assent, by Commission, unto some Bills will put an end to a Session, or be but an Adjournment. His Majesty determines to hold Monday for Adjournment or Prorogation.

1621.

A. D.

19

Scotie

54

Sir Edward Coke, in the *Commons*, reports from the Conference, that he hath satisfied the Lords in the difference between a Prorogation and Adjournment: That the King's Royal Assent to one or ten Bills maketh not the end of a Session, but the Signification of the King's pleasure to prorogue it: That the Parliament hath now sitten long and brought things to great perfection: That the Country People are not capable of distinguishing between a Prorogation and Adjournment: That he had rather give a double, treble, or quadruple Subsidy than break off now.

Sir Edward Montague obtains leave to speak twice.

Same day. (P. M.) A Report is made in the *Commons*, from the Conference.

The Master of the Rolls is sent to acquaint the Lords, that the Committee are returned with grief from the Conference, and they are not now fit to send an Answer, but will 'To-morrow.

May 30. Ordered in the *Lords*, "Hereafter, when any Censure beyond Imprisonment is agreed on, Judgment thereupon shall not be given at any time, but another day or sitting be taken, to consider thereof."

In the *Commons*, *Mr. Solicitor* recommends not to refuse to do what we may, though we cannot do what we would. The times of beginning and ending Parliaments are in the King's power; we can deal only by Petition. An adjournment may be, yet with passing Bills. If any doubt, a Bill will help it.

The Lords agree to a free Conference.

May 31. A Bill is read three times in the *Lords* and passes, "That this Parliament shall not determine by the King's Royal Assent to some Special Acts."

The Report from the Conference expresses the lively sense and sorrow of the *Commons' House* on the Adjournment.

On Motion, That the Judges do distinguish between the adjournment of Parliament by the King, and that by the Houses, the Attorney-General shews many Precedents, which are ordered to be read 'To-morrow.

In the *Commons*, *Sir Edward Coke* (on the Adjournment) never heard of any end of a Session, but the Statutes of Continuance and Repeal passed, and a Pardon, if a Subsidy.

Sir H. Poole. There is no question now, but we may adjourn ourselves. This was doubted till *Sir Edward Hobby* brought a Precedent of Queen Mary's time. Likely before to be done by the Queen, 27 Eliz. A Commission for Adjournment is read first in the Upper House, and then sent down to this, by some Judges and the Master of the Rolls, and after they were gone, the House adjourned itself. A Committee was appointed to consider of the Laws made during that Session. The Parliament still continueth upon an Adjournment, therefore we and our Servants are privileged from arrests and the Wages of Knights and Burgesses continue. A Special Act passed the Royal Assent, 11 Rich. 2, but with a saving, that the passing it should be the end of a Session. When the King giveth his Royal Assent to any Bill, 33 Hen. 8, that maketh it a Session, therefore in the Act for the execution of Queen Kath-

1621.
A. R.
19
Session
54

crine, there was a Special Provision in the Bill. In Queen Mary's time, an end of a Session was made on purpose for the passing of a Bill, and they began another within three days after. The difference is, when a Bill passeth the Royal Assent, and yet the House sitteth after, there is no end of a Session. Contra, where the Royal Assent is at the end, and the House sitteth not.

Sir E. Coke. Regularly, every Court is to adjourn itself. To consider, therefore, whether the Commission be to Commissioners only to adjourn, or to Commissioners and the ———. To confer on this with the Lords, as a matter of great weight to the House.

Sir Sam. Sands. The King having propounded an Adjournment, that is fittest. There is danger else of the Bill of Continuance and Repeal of Statutes. There is no great use of the end of a Session. The Adjournment to be made severally by the Houses. The Commissions are but declaratory of the King's pleasure. Mr. Secretary to view the Commission, 27 Elizabeth, whether it be only declaratory or absolute to adjourn it.

Mr. Attorney-General and Sir W. Byrd bring from the Lords a Bill, that this Session shall not determine by his Majesty's Royal Assent to some Bills. In the Conference, the Commons give many reasons to have an Adjournment without the Royal Assent, and desire that the Parliament might be so adjourned, that each House may have power to accommodate business against the next Access.

A Bill is read a third time and assented to, but does not now pass into a Law, "That the County Palatine of Durham shall have Knights, Citizens, and Burgesses, to serve in the Commons' House of Parliament."

June 1. (Friday.) In the Lords' House, the Attorney-General shews the difference between an Adjournment and Prorogation; and that the word "Prorogare" is often times used for "Adjournare," but the latter word never for the former. A Parliament being adjourned by the House, all Committees are still of force, and Bills remain in statu quo prius; but an Adjournment, by Commission from the King, determines all Committees, and they cease till the next sitting of the Court; but the Bills are preserved in statu quo prius.

In the Commons, it is moved, That all our Privileges are to remain during this Adjournment.

Sir E. Coke. This being but an Adjournment, Privilege is clear, both for Members and Servants.

It is *Ordered*, upon Question, That if any Arrest or Breach of Privilege occur, a Letter shall issue, under Mr. Speaker's hand, for the Party's relief, as if the Parliament was sitting.

Mr. Noye. There is no difference between an Adjournment for a long or a short time. An Adjournment is but an Entry of a Continuance, a Prorogation an End of a Session. If the King adjourn solely, the Parliament will be dissolved, because it is put to a day by matter of Record. Then, we cannot come together without the King's pleasure, signified again, and, thus, many Statutes will fall to the ground. The terms Prorogare, Adjournare, make no difference in point of Law, but the entering of it upon Record.

Mr. Hackwill remembereth the Precedent, 27 Eliz. A Committee was appointed in interim. The Commissions were to six at least, yet the Lord Chancellor alone adjourned it. Adjornavit,

Continuavit, Prorogavit, are used in the Lords' Journals promiscuè. At every end of a Session, the Lords, Commons, and King, in person, or by Commission, must be present for a judicial Act. We were not present at the Adjournment in the Higher House, 27 Eliz.

1621.
A. R.
19
Scotie
54

Sir E. Coke. When Bills have passed both Houses, the King's Royal Assent is not to be given, but, either by Commission, or in Person, in presence of both Houses.

June 2. According to the Order of the House (May 31), the Bishop of Landaff is admonished, in *Convocation*, by the Archbishop of Canterbury.

The King comes to the House of Lords, (the Lords being in their Robes,) and makes a Speech, giving them thanks for acknowledgment of the King's power to call, adjourn, and to dissolve Parliaments, and not for joining with the Commons in a Petition against an Adjournment. He had taken a Royal course, and all the Judges unanimously resolved, the course of Adjournment propounded, was no discontinuance of any thing done in this Parliament. He gave much longer warning than any of his Predecessors had done, to the end that the most material Bills might be expedited, and had the Commons made a humble answer to him on the Adjournment, he would have granted them ten days longer, but now he will not yield to their request. Yet, if the Lords think that Eight or Ten days more will expedite their Bills, he will grant it.

After a Conference with the Commons, the Lords humbly beseech his Majesty to enlarge his offer to that day Fortnight, which the King grants, with the Caution, "That it be understood to be his own free offer to give this Election to the People, either to have an Adjournment, or a longer time to pass some Bills, and so to make a Session."

P. M. Report is made in the *Lords* from a Conference, "The Commons humbly desire it would please his Majesty to *adjourn* the Parliament, the form of which they leave to his Majesty."

The Lords appoint a Committee to attend the King, and report this election of an adjournment on Monday, rather than a continuance of fourteen days, and then the end of a Session, with their Reasons.

The House entreats the Prince, that his Highness will present the Thanks of both Houses unto the King's Majesty, for their election of an Adjournment or Prorogation.

The Commons humbly request, That he whom the Lords shall appoint to be Speaker unto the King for them, may also be Speaker of the Commons.

Motion is made that the Lords' Followers may enjoy their Privileges during this time of Session. The Judges are ordered to advise, and deliver their opinions on Monday.

June 4. The Archbishop of Canterbury reports from attendance on His Majesty. He had made known the election. &c.

The Lords adopt certain Rules upon Petitions.

The Judges deliver their opinions touching the Privileges of the House of Lords during the Session of Parliament, and because it had not happened to their knowledge, that ever the House was adjourned for so long a time as now it was intended to be, they could not satisfy their Lordships of any Precedent for the continuance of their Privileges during all the time of this long vacation." Whereupon, their Lordships deliver their opinions, "That the Lords do know that the Privi-

1621.
A. R.
19
Scotim
54

leges of themselves, their Servants, and Followers, do continue, notwithstanding the adjournment of Parliament, and do adjudge the same to be observed in all points accordingly."

His Royal Highness, the Prince, produces to the Lords the King's Commission for the Adjournment.

The Lord Chief Baron, with other Judges, delivers this Message to the Commons, "That it is his Majesty's Pleasure to adjourn the Parliament to the 14th of November, and that all Committees, Matters, and Business of Parliament, shall rest in the state as they now are, until the next Meeting.

In the *Commons*, Sir Edward Coke, standing up, desires the House to say after him, and recites the Collect for the King and his Children, with some alteration.

The Speaker then adjourns the House to the 14th of November next, in this place.

His Majesty's Commission for Prorogation to 14th November is read.

Scotim
55

November 14. (*Wednesday*.) Writs were issued as usual, to the Prince of Wales, the Lord Treasurer, the Lord President, the Keeper of the Privy Seal, the High Admiral, the Marquis of Winchester, 33 Earls, 8 Viscounts, 47 Barons. (*b*)

Mr. Speaker, with about 200 Members, appears in the Commons' House.

By a Proclamation, the Parliament had been farther adjourned to the 8th of February, but by a Second Proclamation, is to meet on urgent and important occasions on Tuesday, the 20th November.

After Prayers, the Houses are adjourned, by Commission, to this day.

A Motion, in the *Commons*, for three new Writs, is generally refused, this being only a day of Adjournment.

Nov. 20. The Parliament re-assembles.

The Viscounts Colchester and Rochford, and the Lords Brooke, Montague and Cranfield are introduced, by Patent, and take the Oath of Allegiance.

Mr. Speaker attends the Commons at 9 o'clock. Prayers are read in the usual Manner, first by the Clerk, afterwards by the Speaker. The State of business and Committees, is considered.

Nov. 21. His Majesty being indisposed, the Lord Keeper, Lord Treasurer, and Lord Digby are appointed to deliver the King's pleasure to both Houses.

In the *Commons*, an Act is read once, "For the Election of Knights, Citizens and Burgesses to serve in Parliament."

Upon a Question, in the *Commons*, relating to Sir J. Vaughan, made a Viscount of Ireland,

Sir Edward Coke says, Sithence temp. Edw. 3, they have had Parliaments in Ireland. Before, and not sithence, they were bound by our Parliaments. If the King, by his Great Seal of England, make one a Baron of Dubleyne, he is by that, a Baron of England. Viscount Falkland was created under the Seal of Scotland. If Sir J. Vaughan is made Viscount, by the Seal of Ireland, he is a Baron there and none here. He is to be tried here as a Knight, and by twelve men, not "per Pares." In that case, would have him serve here.

(b) Dugdale. *Parl. Hist.* V. 310-471.

By Statute, 25 Charles 2, c. 9, the County of Durham is enabled to send two Members, and the City two. The Election for the County, to be as in other Counties. The Election for the City, by the major part of the Mayor, Aldermen, and Freemen, present at such Election.

Sir H. Poole would have him and Viscount Falkland serve. 1621.

It is Resolved, to respite it.

A. R.
19
Section
55

Nov. 26. Lord Stafford complains of divers Forgeries of his Hand, to Protections.

The Bishop of Lincoln, as Lord Keeper, and three other Bishops take the Oath.

The Lords hear Complaints and redress Matters of Privilege.

The Lord Treasurer having stated that his Majesty required a great and speedy Supply, the Commons defer the Question to the consideration of Grievances and draw up a long Remonstrance against Popery in general. The King having a Copy of the same before the House had sent it, writes a Letter forbidding the presentment of the same. Upon which, they send a Second Remonstrance, which the King answers, but is advised by the Lord Keeper, Williams, to soften his answer. For said the letter, "His Majesty rightly infers that these Privileges which they claim to be their natural Birth-rights are but the Favours of former Kings. For where were the Commons before Henry I. (?) gave them Authority to meet in Parliament, &c.?" The King, finding the House of Commons has given over all business, writes again to the Speaker and to Secretary Calvert, to take off the edge of his "Sharp Expressions."

Nov. 27. Sentence is passed on the *Forgers*, to stand in the Pillory, &c.

Nov. 28. In the Lords, the Lord Gerrarde claims Privilege for his Servants.

A Message is received from the Commons: "They are in such readiness with their Bills, they desire a Session before Christmas."

In the Commons, on the Second Reading of the Bill for Election of Knights, &c.,

Sir George Moore moves, "That no Member of this House shall, during Parliament, be elected Sheriff."

Sir H. Poole wishes provision against Letters, Solicitations, &c., for choosing Knights. By some Boroughs, Blanks are delivered, to put in what Burgess they will, to whom delivered. Men should not stand to be Knights; but they should be chosen whom the County chooseth of itself, not they that desire it. This competition bringeth a great Charge.

Sir Edward Coke would commit the Bill. It should not be clogged too much, for it will breed too many Questions hereafter. He is against a certainty of £100 per annum, for a Knight of the Shire. That is certainly the way to make him £100 in Subsidy.

Mr. Weston would have no Knights or Burgesses chosen under 21 years of age. He is unfit to make Laws who cannot dispose of his own Estate.

The Bill is Committed.

Nov. 30. In the Lords, the Judges give their opinion, "That in all Cases the Lords are to be sued by their Peers, unless they be excepted by particular Words."

A Committee "for consideration of the Customs and Orders of the Lords' House and the Privileges of the Peers of the Kingdom, or Lords of Parliament, with warrant to search for the said Privileges among the Records," having deputed Mr. John Selden for the said Search, wherein much pains had been taken, at great cost, and Copies of the Records been fair written in a

1621.
A. D.
19
Scotim
55

Book, and presented to their Lordships: such Book was left in the hands of Mr. John Selden at the last Recess, to be presented again at the Access, but was taken from him in a Search amongst his Papers, by His Majesty's Command, for Matters of State. The same Book having been restored and reviewed, many of the said Papers are found to be Missing.

Ordered. The Sub-Committee of Privileges to have the same Authority to appoint Mr. Selden and others, to search and transcribe the Records, and to supply the defects of the said Book.

Dec. 1. (Saturday.) Resolved, by Order of the Lords' House, "A Bill cannot be re-committed after the Third Reading."

Dec. 3. Proceedings are taken against two, who had counterfeited Lord Rochford's hand and seal.

In the *Commons*, a Subpœna served on a Member is declared a breach of Privilege, and the Server is committed to the Serjeant for 3 days.

Dec. 4. The Speaker reads a Letter from His Majesty, and the Commons debate four days on a Petition to His Majesty, "who is misled and misinformed."

Dec. 12. Five Lords have claimed Privilege for their Servants.

Mr. Secretary, from the King, commands the Commons to proceed with Bills and prepare to make an end of the Session before Christmas.

Ordered. A Committee of the whole House to consider the Message, To-morrow.

Dec. 14. In the *Lords*, Report is made touching the Freedom belonging to the Lords' Servants in time of Parliament.

Agreed. If Complaint hereafter be made, the Party complained of shall not be sent for unless the Complainant put in Security to pay the Costs, if he proves not his Allegation.

Agreed. No Motion to be entered as an Order, unless the Lord Keeper do first demand the opinion of the Court, whether the same shall be allowed or no, and then the same be set down as an Order and Read.

Mr. Chancellor delivers a Message from the King, appointing Saturday se'nnight for the rising of the House, and in the mean time giving time to prepare Bills. He especially commandeth the Bill for continuance of Statutes.

The Message is debated, as touching the Liberties of the House, which are affirmed to be but by toleration and permission.

Ordered. A Committee of the whole House to consider of all things incident to or concerning the Privileges of the House.

Dec. 15. The Lord Archbishop of Canterbury presents to the Lords a Book, being a Collection of the Privileges belonging to the Baronage of this Kingdom, &c., to be kept here as Memorials whereunto men may resort, as occasion may require, and make use thereof.

Ordered. On Monday, a Committee of the whole House, and all the Judges in Town, to consider, "Whether a Nobleman shall Answer upon his Oath (as others) or only Protest upon his Honour," (the Lord Willoughby being pressed to answer upon oath in the Court of Wards.)

Ordered. The Book of Privileges to be delivered to the Lord Haughton, to see the same bound, &c.

Dec. 17. Two Earls claim Privilege for their Servants.

every Saturday Afternoon.

In the *Commons*, a Letter from His Majesty to Mr. Secretary, is twice read by the Speaker and ordered to be entered.

Sir E. Coke. The King's Letter is gracious in general for our Privileges, but what they are in *Specie* is the Question.

A Debate ensues upon Privilege.

Dec. 18. In the *Commons*, Mr. Secretary moveth, That at a certain hour we proceed to business, whether the House be full or not.

Mr. Speaker readeth a Letter from His Majesty, "The King desireth a Session, not for a Subsidy, but for a Pardon."

Resolved. "Thanks to be given to His Majesty for his gracious Letter."

P. M. The Draught of a Protestation concerning the Privileges of the House, is presented from the grand Committee.

It is *Allowed*, and *Ordered* to be entered of Record in the Journals of this House.

A Message is brought from the Prince and other Commissioners, that they have adjourned their House till Feb. 8, by the said Commission.

Mr. Speaker. "This House doth adjourn itself from this day and place, till the 8th of February next, in the same place."

Feb. 8. The Parliament is *dissolved* by Commission. (c)

The Protestation of the *Commons*, in consideration of their Privileges, having been made, and recorded in their Journal Book, on the 18th Dec., the King in Council, sends for the Books and erases it with his own Hands, and a Memorial thereof is ordered to be entered upon the Council Books. The King also issues a Proclamation with his reason for dissolving the Parliament.

Several Members of the *Commons* are committed to Prison. (d)

Feb. 12. (Thursday.) A Parliament (IV.) meets at Westminster.

Writs are addressed to Charles, Prince of Wales, &c., to the Duke of Richmond, Steward of the Household, the Lord Treasurer, the President of Council, the Keeper of the Privy Seal, the High Admiral, the Marquis of Winchester, 37 Earls, 7 Viscounts, 47 Barons. (Total, 119; including 2 Archbishops and 24 Bishops.) (e)

In consequence of the sudden death of the Duke of Richmond, a Relative and Favorite of the King, the Parliament is adjourned to the 19th, called the First Session; on which day, the King, according to custom, delivers a long Speech, with the following admonition:— (f)

"For matters of Privileges and Liberties and Customs, be not over curious; I am your own kindly King. Ye never shall find me curious in these things; therefore do what you ought, and no more than your lawful liberties and privileges will permit, and ye shall never see me curious to the contrary. I had rather maintain your liberties than alter them in any thing.

(c) Rushworth I. 52, places the Adjournment on December 19. Dugdale, 1621. Parl. Hist. V. 475. The Journals of the Lords, contain, as usual, a Note of Bills delivered into the Upper House, in the Parliament, 18 Jac.

(d) Sir Edward Cook, Sir Robert Philips, Mr. Selden, Mr. Pym, Mr. Mallory, &c., whom the King calls "ill tempered Spirits." Rushworth I. 53.

(e) Dugdale, 1623. Parl. Hist. VI. 1-343.

(f) Rushworth somewhat differs in this Speech, I. 115. The Journals give a much fuller Report.

1621.

A. R.

19

Scotie

55

1622.

A. R.

19

1624.

A. R.

21

Scotie

57

1624.
A. D.
21
Scotim
57

Shew a trust in me, and go on honestly as you ought to do, like good and faithful subjects; and what you have warrant for, go on with, and I will not be curious, unless you give me too much cause. The next thing is to beware that you take not in hand the maintaining of idle questions among you; which spoils good business. Remember, beware of Genealogies, and curious questions as St. Paul speaks; and do you keep to the ground and gravity of the great business for which I called you; and next, for all other things, that are for the great and good government of the Kingdom. Let not any stir you up to Law questions, Debates, Quirks, Tricks and Jerks, but continue yourselves in that honest Modesty, whereby you may have my prayers to God for you, and procure the love of me, and a happy end to this Parliament."

The King having ended, the Lord Keeper, John Williams, Bishop of Lincoln, and Dean of Westminster, desires the Commons, as usual, to elect a Speaker. Receivers and Tryers of Petitions are appointed, and the Parliament is adjourned on Saturday, 21st of Feb. (g)

Feb. 21. The Commons present Sir Thomas Crew, Knight, Sergeant-at-Law, as Speaker, who makes the usual Protestation and claim for Liberty of Speech and Person, &c., to which the Lord Keeper replies; and, after reading a Bill, the House adjourns.

Feb. 23. The Lords' House is called, and Proxies are admitted. The Lords desire a Conference with the Commons on the great business for which the Parliament is called, (the Spanish Match and the Palatine.) The Conference being agreed on in the Painted Chamber it is removed to Whitehall, "already scaffolded," for better ease and hearing, and the Prince signifies his resolution to assist the Duke of Bucks in his narration.

In the Commons, Sir James Perrott moves, "That the Members of this House, as in the two last Conventions of Parliament, do receive the Holy Sacrament, a sign and symbol of our Unity and Charity."

On Election of the Committee for Privileges, the Question is put, whether every man that will come, shall have voice. *Resolved*, No.

Then, whether the persons denominated, only to be: *Resolved*, Yea.

Feb. 24. It is moved to send to my Lord Chamberlain to take order that none be admitted to the Conference but Members of that House, and the Serjeant of this House to take like care for Members of this House.

Feb. 25. In the Lords, the Duke of Bucks, six Earls, and 4 Barons are introduced by Garter King at Arms.

The Lord Keeper gives his Report on the Duke of Buckingham's Negotiations in Spain.

In the Commons, Sir W. Fleetwood moves for three Boroughs in Buckinghamshire. Referred to the Committee of Privileges.

It is Ordered upon Question, That all Petitions about Elections and Returns shall be preferred to the Committee of Privileges within a fortnight from this day, or else be silenced for this Session.

A Committee is named to peruse the Clerk's book of Entries,

(g) In the Commons' Journals, this Session is twice reported, with some differences, which are embodied in the Text.

It is *Ordered*. If any Member of this House have a Servant that is a Popish Recusant, or refuses to go to Church and hear Divine Service, he shall presently discharge him, under pain of sequestration; except upon public motion, and special allowance of the House.

1624.
A. D.
21
Scot. time
57

Feb. 27. In the *Lords'* Committee (of the whole House) the Duke's Statement is made.

In the *Commons*, *Sir Edward Coke*. "Lex et Consuetudo Parliamenti." There are four kinds of Proceedings. (1) by Bill. (2) by Judicature. (3) by Petition of Right against Abuse. (4) by Petition of Grace. He would have all join in one Petition of Grace to His Majesty not to dissolve the Parliament, without some Cause shewed. Freedom of Speech is the quintessence of the four Essences. Sed Malus interpret rerum Metus.

Ordered, A Committee to consider the Liberties and Privileges of the House.

Mr. Chancellor of the Exchequer reports from the Meeting of both Houses at Whitehall.

It is *Agreed* upon Question, by general vote of both Houses, that the Duke is acquitted from all blame, &c.

March 2. (Tuesday.) It is *Agreed*, That a man, after being duly chosen, cannot relinquish.

March 3. *Sir Edward Coke* lays down two Rules for making Reports.

(1) Relatio dicitur plena, quando plena veritas continetur.

(2) Per divisionem, res melius apparent.

March 4. The *Lords Resolve* to assist His Majesty in case of a War with Spain, &c., and the *Commons* concur.

March 5. In the *Commons*, a Report is made by the Committee of Privileges on Elections.

The Sheriff of Cambridgeshire not having made a due Election, the consequence is considered great to the Commonwealth, as thus, all Sheriffs may return whom they please. The Committee do not think fit to admit Affidavits for judicial proof. In this Case are Sixty-Three Affidavits and Certificates.

Sir Edward Coke. When he was Speaker, and ever sithence till now of late, Affidavits were not used here. They are sworn only on one side, and drawn by Counsel. He moveth, That no Affidavit concerning any Election or Return may be accepted here.

Mr. Sherfield. Though we examine not on Oath, our power wherein he will not question, yet we may punish any that shall testify untruly.

It is *Ordered*, upon Question, "All Affidavits, taken in any Court, concerning Elections, Returns, or any thing depending thereupon, shall be rejected, and not hereafter used."

March 6. Both Houses wait on His Majesty at Theobalds, with an address advising to break off the Treaties with Spain.

March 8. A Committee being appointed on a certain matter, it is *Resolved*, "That all that will come (except those interested) shall have voice therein."

March 9. A Bill in the *Lords* is rejected after the third Reading for an imperfection. Lord Montague moves the House to consider, whether it stand with the orders of the House to lay a Bill to sleep, after the third Reading, which may be a dangerous Precedent, and whether their Lordships would not rather send the Bill to the *Commons*, and signify the Defects, commanding a Supply thereof to be made by them, whereof there is a Precedent.

1621.
A. S.
21
Scotim
57

The Bill is referred to the Judges as to the Defects.

The Commons' House divides, Noes, 128: Yeas, 155.

March 10. The Judges Report, It is *Agreed*, as it is a Precedent of ill consequence to let a Bill sleep after it has passed by vote, to send it to the Commons with a Message.

A Debate takes place in the Commons, Two Denizens being returned Members.

Sir Edward Coke. No Alien denized can serve in this House. He that is naturalized, is by Act of Parliament, which maketh him a natural Liege man, but the words of the Denizations are, "tanquam Ligeus." We have assent to Naturalizations, not to Denizations. Many, under the age of 21 years, sit here by connivancy, but, if questioned, would be put out.

March 11. Privilege is claimed for a Servant of His Majesty.

March 12. Report is made of a Conference and of His Majesty's Speech.

Both Houses advise a rupture with Spain.

On a Question of Return, the Commons agree, that Chippenham, from 1 Mary, chose only by Bailiff and 12 Burgesses, but from ulto. Mar. and 1 Eliz., election was made by Bailiff, Burgesses, Common Council and Congregation. All Returns till 35 Eliz. were by Ballivus, Burgenses et alii Homines. There are about 30 other Freemen in the Town. (h)

Sir F. Seymour reports from the Committee to examine the Clerks' Books, That they found some things they thought not fit to stand. Power is given them to strike out what they think fit.

March 13. In the Lords, the Earl of Derby claims Privilege for Sir Edward Osbaldeston, his Servant.

March 14. The King replies on the subject of Spain, saying, inter alia: "I told you before this was the way to make me in love with Parliaments, and to shew mine inclination to continue them still. My resolution is to make this a Session for the passing of as many good Laws, as in convenient time may be prepared; and at Michaelmas, or a few days afterwards, to have a new Session, and another in the Spring. And, in the mean time, you may go down and acquaint yourselves with the Grievances of my People, and you shall see my care to make good Laws, and to reform Abuses; that so my Subjects may find the good fruits of Parliaments, and rejoice in them."

March 15. It is *Resolved*, upon Question, that the Bailiff of Chippenham is to amend a wrong Christian name, by mistake, inserted in the Return, not the Clerk of the Crown.

The Committee are of opinion that others besides the Bailiff and 12 Burgesses should elect.

Mr. Barkley. That was an ancient Incorporation before 1 Mariae, when a new Charter was obtained. In Edw. 6, the Return is by Bailiff and Burgesses "pro se et aliis." Ballivus et Burgenses, or Ballivus et duodecim Burgenses, is all one. Altering of Elections long continued, is dangerous.

March 16. The Lords appoint a Committee to suppress the Outrages of their Servants, &c.

March 17. The King explains certain expressions in his Answer to the Address of both Houses.

March 18. A Report is made in the Commons from the Committee of Privileges. Winchelsey is an Incorporation.

(h) Parl. Hist. VI. 101.

Mayor, Jurates and Freemen, now eight with the Mayor, the Freemen eleven. It is agreed they ought to elect, though a Decree had been made that whosoever was not resident within 3 months should lose his voice. 1624.
A. R.
21
Section
57

Resolved. The Mayor appears to have no Privilege upon equality of voices, Precedents are rather to the contrary. This Decree could not alter the Law.

March 19. The Archbishop of Canterbury moves the House to take some order to forbid the Printing of Petitions; for that scandalous Petitions are published, but not orderly presented to either House.

Ordered. The Lords' Committees for Petitions to take Order for such Prevention.

Agreed. The Lords' Committees have power to adjourn (according to ancient Order,) de die in diem, as often as they please.

March 20. A Bill passes the Lords for abolishing Trial by Battail, &c.

March 22. The Committee of Privileges Report for Stafford. No publick warning having been given, the Election is not good. A new Writ ordered for Blechingly. This Borough is no Corporation. They have only to do with the Election. The Precept was not delivered to the Borough but to the Bailiffs.

Resolved upon Question. The Bailiffs have nothing to do with the Election. None but Borough holders ought to have voice.

March 23. *Resolved* upon Question. The Freemen and free Burgesses, Inhabitants of Dover, ought to have voice in the Election of their Barons to serve in Parliament.

Resolved upon Question. The Mayor, Burgesses and Inhabitants of Arundell ought to have voice, &c.

March 25. In a Declaration to the Houses, his Majesty says, "Though I have broken the necks of three Parliaments, one after another, I hope that, in this Parliament, you shall be resolved of the sincerity of my heart, and I, of your duties and affections, that this shall be a happy Parliament, and make me greater and happier than any King of England ever was."

On account of Easter, both Houses adjourn to April 1.

April 1. (Thursday.) The Lords desire a Conference on the Supply.

Mr. Recorder. A Gentleman, of the House before, is returned again, whether is he to receive the Communion again? *Resolved,* No.

April 3. *Ordered,* That the Knights and Burgesses of every place, by themselves shall present unto the House the Names of such convicted or justly suspected Popish Persons, as are in places of charge or trust in their several Counties and Boroughs.

April 9. Report is made, that Chippenham, a Borough time out of mind, sent Burgesses Edward VI. A Return is made by Mayor and Burgesses at large, no certain number.

Resolved. The new Charter alters not the Custom, and the Burgesses and Freemen more than twelve, have voice in Elections. Newcastle under Lyne. Custom. The Mayor, Aldermen, and two Bailiffs, and 24 and all Common Councilmen used to make return. By Charter incorporated with new name. Made a Constitution, that the Mayor, two Bailiffs, and Chief Burgesses, should elect, and they have so elected.

Resolved, upon Question. This late Constitution alters not the former Custom.

April 12. A Message is sent from the Commons to the Lords,

1624.
A. D.
22
Scotia
57

to put off an intended Conference, "Because a Lord of that House had desired to be heard, by his Counsel, in theirs, in the Afternoon: which they had yielded to." On this, a Motion is made in the *Lords*, to consider that it might trench deep into their Privileges for a Lord of that House to answer an Accusation in the Commons, either by his Counsel, or by an Answer in Writing. Upon the humble Request of the Lord Treasurer, (in question) the House gives him leave to send his answer to the Complaint of the Commons, if he pleased. An Order was then made, "That no Lord of that House shall, hereafter, without License, answer any Complaint in the House of Commons, either in Person, or by his Counsel."

April 15. A Conference takes place between the Houses on a Complaint against the Earl of Middlesex, Lord Treasurer.

April 17. The House of Lords adjourns to the 20th, on account of the Funeral of the Duke of Richmond, Cousin German to the King.

April 20. Lord Tunbridge is introduced, and delivers his Writ of Summons.

Ordered, upon Question, for a General Rule hereafter, "That, in Private Bills, there shall not be that general Clause for all that will come to have voice.

April 21. Ordered, That whosoever shall go out of the House to a Conference before the Committees, shall pay 12d. to the Serjeant.

April 24. It is *Ordered*, That all Members of the Commons shall attend the House at half after Seven, and that Bills be put to passage by Eight.

April 27. In the *Lords*, Report is made from a Committee appointed to search for Precedents in what manner parties complained of have answered here, &c. They have not found that any, though a Member of the House, did answer by his Counsel, and that divers, Members and others, have answered in Person, without Counsel, and Counsel was desired to M. de la Pole, Lord Chancellor, 10 Richard II. (i)

April 28. Sir Edward Coke says, (upon a Question,) Things most general, and of greatest consequence, are fittest and safest to be spoken in Parliament. The setting down of the Jurisdiction of Courts is the noblest work that could be done.

April 30. Dr. Harrys is brought to the Bar, and, kneeling, is charged by Mr. Speaker with indiscreet carriage about the Election of Blechingley, and with venting his Spleen in the Pulpit.

It is *Resolved*, He shall come in as a Delinquent, upon his knees, and confess his fault, and upon Sunday Se'nnight in the Pulpit in his own Parish Church, shall also confess his fault, and that he is sorry for it and desires the love of his neighbours, and that he will avoid the like offence hereafter. He is advised to bear no spleen upon this, to his Neighbours, and to forbear to question them upon Tythes.

He confesses at the Bar, &c.

May 4. (Tuesday.) It is *Resolved*, upon Question, That Amersham, Wendover, Marlow and Hertford are to have Burgesses. The House refuses to give any direction for the manner of electing there, or who shall be the Electors.

The Bill for Burgesses for Durham, is re-committed, upon the Question, whether Barnard Castle shall have two or not.

(i) Many ordinary Claims of Privilege in the Lords' House, are now and hereafter omitted, as the Proceedings were well established, and are all of a similar nature.

Sir Edward Sands. "The King can put in Burgesses for Barnard Castle without this House." 1621.

Sir Edward Coke. Fortescue. At the first, were 300 Burgesses here, suitable to the Senatus of Rome, now we have almost five hundred. He questions, whether the King can make Burgesses in a County Palatine. Is for two Burgesses for Barnard Castle. A. R. 22 Scolim 57

May 8. The Commons desire a Conference with the Lords, on Monopolies, which is granted, that day, in the Painted Chamber.

May 13. Sentence is pronounced against the Lord Treasurer, Middlesex, who, besides Imprisonment and Fine, is excluded for ever from Parliament, and is never to come within verge of the Court.

May 19. Proceedings are taken against the Bishop of Norwich, which the Lords defer, "in respect of the shortness of time."

A Message is sent from the Commons to the Lords to this effect. "That the Knights, Citizens, and Burgesses, &c., understanding that his Majesty's pleasure is to put an end to this Session on Saturday next, 22nd instant, within which short time, neither that House, nor theirs, can perfect those businesses which are begun, they humbly desire their Lordships to join with them in Petition to his Majesty for a longer time;" for the following reasons, &c.

The Prince signifies unto the House, that such was his Majesty's intention, but what his Majesty will do when he shall hear these Reasons, his Highness knows not. The House humbly beseeches the Prince to move his Majesty to give a longer day. The King agrees, at the request of the Prince, to prolong the Session to Saturday Se'nnight, so as neither House will entertain any new matter in the mean time.

May 21. A Petition of the Commons for displacing Popish Recusants is read in the Lords. An Answer is given, "That they take great contentment in the concurrence which has been between the Two Houses from the beginning of the Session, and which they doubt not will continue to the end. That their hearts go along with what is propounded by the Commons. But that, &c., Notwithstanding, they do incline, if the Commons like it, to move the Prince privily to acquaint His Majesty with this, &c. The Commons render their most humble Thanks to the Prince, That he was pleased, as of himself, to intimate their Requests to His Majesty, and hope it will receive a gracious answer.

In the Commons, on a Report from a Committee of Privileges, it is agreed that in the Borough of Cicester, Glostershire, all the Inhabitants ought to have voice.

Resolved, That no consent of Parties, Competitors, can alter the legal course of Election. That where there is no Custom or Charter to the contrary, the Election is to be made by all the Householders.

Upon another Question, *Resolved,* In a Borough not being a Corporation, there being no free Burgesses, nor Charter, nor Custom for Election, the Election is to be made by the Householders, and not only by Freeholders.

May 22. A Committee report as *Resolved,* That this House cannot amend the Lords' Alterations without a Conference, but with a Conference they may.

Resolved. A Conference with the Lords.

May 24. The Subsidy Bill passes the Commons, containing

1624

A. R.

22

Scotland

57

a Clause whereby the Treasurers are to be nominated by Parliament, a thing hitherto unprecedented.

May 26 The Judges being appointed by the Lords, give their opinions on some points of Privilege connected with this Bill. The Lords enter a Protest on their Journals, "Forasmuch as this Act of Subsidy is in many things different from the ancient form of a Subsidy Bill, &c., That nothing contained in this Act, shall take or give any Jurisdiction, Power, Privilege, or Authority to or from either of the said Houses of Parliament, &c.

May 28. The Earl Marshall makes a Report from the Committee of Privileges, on the Question,

"How far the Privileges of the Nobility do clearly extend, and concerning the freedom of their Servants and Followers from arrests? These are to extend to all their menial Servants, and those of their family, and also those employed, necessarily and properly, about their Estate, as well as their Persons. This freedom to continue 20 days, before and after every Session; in which time, the Lords may conveniently go home to their Houses in the most remote parts of the Kingdom. That all the Lords, after the end of Session, be very careful in this point, and remember the ground of this Privilege; which was, only in the ground, they should not be distracted, by the trouble of their Servants, from attending the serious affairs of the Kingdom; that therefore they will not pervert that Privilege, to the public injustice of the Kingdom, which was given them, chiefly that the whole Realm might, in this High Court, draw the clear light of justice from them. In which case, every one ought rather to keep within, than any way exceed their due limits. That, hereafter, before any Person be sent for in this kind, the Lord whom he serves, shall, either by himself, or by his letter, or by some message, certify the House upon his honor, that the Person arrested is within the limits of the Privilege before expressed. And for the particulars, they must be left to the judgement of the House, as the case shall come in question; wherein the House wants no means, as well by oath as without, to find out the true nature of the Servant's quality in his Lord's service. Thereupon, if it be judged by the House contrary to the true intent, any Member whatsoever must not think it strange, if, in such a case, both himself suffer reproof, as the House shall think fit, and his Servant receive no benefit by the Privilege, but pay the Fees: because the justice of the kingdom must be preferred before any personal respect, and none to be spared that shall offend after so fair a warning. Ordered to be observed accordingly, with this alteration, viz, This freedom to begin with the date of the Writ of Summons, and to continue 20 days after every Session of Parliament.

"The Lords of the High Court of Parliament also do hold it fit to consider of some Orders for the trials of such Persons as shall hereafter be brought before them, and come to Judicature. They do at this time order, that in all cases of moment, the Defendants shall have Copies of all depositions, both pro and contra, after the publication, a convenient time before hearing, to prepare themselves: and also, that if the Defendants shall demand it of the House in due time, they shall have learned Council to assist them in their defence, &c. This their Lordships do, because in all cases, as well Civil, Criminal, as Capital, they hold that all lawful helps cannot before just Judges, make one

that is guilty avoid justice: and on the other side according to 1624. His Majesty's most gracious speech, God defend that an innocent man should be condemned.

"Likewise, for calling a Member of this House to the Bar, their Lordships hold it fit, to be very well weighed, at what time and for what causes it shall be; the time being now short, Precedents are to be looked out, and to be considered at the next meeting."

In the *Commons*, a Question being put after a long debate and the voice being doubtful, the House divides. Seven being entered into the Committee Chamber, and refusing to give voice one way or another, they are sent for, and their names taken. The Resolution is stayed till those that were gone out return. The noes are 143, the yeas 168.

P. M. *Ordered*; that all Petitions, of what kind soever, exhibited in Parliament be delivered to the Clerk, to be safely kept till next Session, without dishonour to them against whom preferred, or prejudice to the Petitioners.

Resolved; upon Question. The Election in Pomfret, ought to be by the Inhabitant Householders Resiant.

Resolved; That Members of Colleges, Halls or Corporations at large, (Cambridge) not having Freehold saving in right of their Colleges, &c., ought to have no voice in Elections: That Fellows and Scholars having Fellowships and Chambers above 40s. a-year, ought not to have voice.

Resolved, That Parsons and Vicars that have no other Freehold but Glebe Lands, ought not, &c.

May 29. The King protests as to the *pretended* Marriage of Edward, late Earl of Hertford, in Elizabeth's time.

The Commons are admitted into the Royal presence. The King being on his Throne, the Speaker addresses him; to which Speech the King replies at length, saying among other things, "The Lawyers of all the people in the Land are the greatest grievance to my Subjects; for when the case is good to neither party, yet it proves good and beneficial to them." He is followed by the Lord Keeper, who prorogues the Parliament to the 2d of November.

Nov. 2. The Parliament is again prorogued to the 16th February.

Feb. 16. The Parliament is a third time prorogued to 1625. March 15.

March 15. The Parliament is a fourth time prorogued to April 20; but the King dies on the 27th of March, A. N. 23. (k)

(k) A Note to the Lords' Journals, III. 426, says, "After the 16th of February, no further Entry is in the said Journal, but by search in the Minute Book of that Parliament, in the Office, it appeareth, that on the said 16th of February, Parliament was prorogued to the 15th of March following, and on the said 15th, to the 20th of April, before which day, (27th of March,) King James died, and so this Parliament was dissolved by his death."

CHARLES I.

(March 27th, 1625.)

1625.

A.R.
1**May 17.** A Parliament is held at Westminster. (I.)

Writs are issued to the Duke of Buckingham, High Admiral of England, the Marquis of Winchester, the Earl of Arundell and Surrey (Earl Marshall), the Earls of Northumberland, Shrewsbury, Kent, Derby, Worcester (Keeper of Privy Seal), Rutland, Cumberland, Sussex, Huntingdon, Bath, Bedford, Pembroke, Hertford, Essex, Lincoln, Nottingham, Suffolk, Dorset, Salisbury, Exeter, Montgomery, Bridgewater, Northampton, Leicester, Warwick, Devon, Holderness, Carlisle, Denbigh, Bristol, Anglesey, Somerset, Holland, Bolingbroke, Clare, Westmoreland, Viscounts Montague, Wallingford, Purbeck, Maunfield, Maundevill (President of Council), St. Albans, Colchester, Rochford, Andover, Tunbridge, Say and Sele, Barons Nevill de Bergavenny, Tuchet de Audley, Zouche, Berkley de Berkley, Willoughby de Eresby, West de la Warre, Parker de Morley and Montegle, Dacres, Scrope, Sutton de Dudley, Stourton de Stourton, Herbert (*Eldest Son of the Earl of Worcester*), Darcie and Meynill, Vaux de Harrowdon, Windsore, Wentworth, Mordaunt, Cromwell, Evere, Wharton, Sheffield, Paget, Dudley North, Howard de Walden (*eldest Son of the Earl of Suffolk*), Wotton, Russell de Thornhaugh, Grey de Groby, Peter, Danvers, Spenser, Denney, Stanhope de Harrington, Carew, Arundell de Wardour, Tenham, Stanhope de Shelford, Noell, Brooke, Montague, Carve, St. John de Basing, Grey de Werke, Deyncourt, Ley de Ley (*Chief Treasurer of England*), Roberts de Truro, Conway de Ragley, Vere de Tilbury, Chivalers.

Lord Keeper, (Sir Thomas) Lord Coventry.

By several Writs, the Parliament is prorogued to May 31, June 13, and June 18. (1)

June 18. (*Saturday*.) The King, from the Throne, addresses both Houses, and is followed by the Lord Keeper, Coventry.

June 20. The Commons present their Speaker, Sir Thomas Crew.

Resolved, in the Commons, The Committee of Privileges to hear Counsel and Witnesses, and send for Records.

June 22. The Earl of Clare is introduced to the Lords, Garter carrying the Patent of his Creation, and delivering it to the Lord Keeper.

In the same manner are introduced, the Earls of Bullingbroke and Westmoreland, Lord Viscount Say and Sele, Lords Ley, Deyncourt and Roberts.

Agreed, All the Lords are to take the Oath of Allegiance.

(1) Journals of Lords and Commons (as usual). Dugdale. *Parl. Hist.* VI. 345-404. Clarendon says B. I. p. 9. The House of Peers consisted of the same men; and most of the principal men of the House of Commons were again elected to serve in this Parliament.

The Commons' Journals re-commence from Tuesday, 21st of June, 1st Caroli, there being no previous insertion from Saturday, May 29th, 1624. It is curious that the Proceedings of the Session, Feb. 12, 13, 21 Jac., are twice detailed at length, with variations in the Journals. The Amendments, &c., may have proceeded from the Committee in the Clerk's Book of Entries.

The Roll of Remembrances for Orders is read, and a Clause, "That Bishops are only Lords of Parliament, but not Peers." 1625.
A. R. 1

The Order on absence at Prayers is renewed.

In the Commons, Sir Benjamin Rudyard moves for a good harmony between the King and Parliament, who, "having been bred up in Parliaments, promises greatly."

June 23. Both Houses petition for a Fast, on account of the Plague.

The Lords' House is called, beginning with the youngest Baron, and ascending.

A Sub-Committee is appointed to peruse and examine the Journal Book.

June 27. The Privileges of Parliament during the Recess, having been trusted to the Lord Keeper, he reports his Proceedings thereon.

June 28. Ordered, Lords absent without excuse, to pay 5s., Bishops and Barons to pay as Earls.

Certain Lords are appointed to take the Names of the Lords present, at the Fast, on Thursday se'nnight.

June 30. Lord Cavan, in Ireland, Son-in-Law of Lord Roberts, claims Privilege, on his Arrest.

July 1. (Friday.) A Conference is held on abolishing Popery.

July 4. The Commons petition for a Recess, at this "Sickly Season."

Sir Edward Coke, from a Conference, reports the King's Answer. "He had taken their safety more than his own into consideration, and when he should hear the Commons were ready with their Bills, for he would not hasten them, he would put an end to the Session."

Resolved, in the Commons, to agree upon a time, to be intimated to the King, for our Recess, and the manner of it, whether by Adjournment, or with a Session and Bill to continue all things in statu quo.

The Committee of Privileges reports the Case of the Knights of the Shire for Yorkshire.

Mr. Glanville. If the Poll was demanded before Eleven, but not granted before, then the Poll was not granted at all, because the time for Election was passed.

July 5. The Commons grant Two entire Subsidies, but because the Tonnage and Poundage is limited for one year, whereas former Grants to his Majesty's Predecessors, since the time of Henry VI., were for life, the Lords will not pass the Bill.

It is also Declared, "That all Charges mentioned there, (as in the Act of Subsidy, 21 Jac.) are to be deducted out of the Subsidies and Fifteenths, and to be paid according to that Act."

An Act is read a first and second time, in the Commons, "That this Session of Parliament shall not determine by his Majesty's Royal Assent to any Act or Acts of Parliament." It is committed to a Committee of the whole House.

On the Yorkshire Election, Sir Thomas Wentworth says, The Sheriff had no power when new Men were let in, to give them Oath, whether they were present at the Election or not; for a Præmunire, if he had, having no power by the Statute to minister that Oath, and so, impossible.

Mr. Glanville. The Adjudication in case of Arundell was, that so many as came in during the Polling, had right of voice. So in the case of Gloucester.

P. M. On the third reading of the Act as to this Session,

1625.

A. D.

1

certain doubts arise. The Committee, with all the Lawyers, are to retire to the Committee Chamber.

July 7. A Report is made in the *Commons*, on Mr. Montague's Book, as causing disturbance to the Church and Parliament House.

Resolved. He has committed a great contempt against this House, and to be committed to the Serjeant till next meeting.

Report from Committee of Privileges for Monmouthshire. Mr. Wogan, before the Writ for Election, solicited divers for voices, threatened divers, others impressed for Soldiers, divers stricken, others hindered from coming to Election. Petition; That the Sheriff who made the return was no Sheriff at all, for his Commission determined by the death of the King, and was not renewed by the new King.

The Bill for continuance of the Session is amended, and passes. On the following day it passes the Lords after a third Reading.

Mr. Cholmeley, moves, First, whether it is lawful for the Sheriff to minister an Oath to those who shall come in as Electors after 11 o'clock. Secondly, whether the Sheriff may make Deputies to take the Oath?

July 8. The King notices the thinness of the House of Lords, and signifies his pleasure that those present shall not depart.

July 11. *Sir Edward Coke*, from a Conference, reports "That as both Houses had petitioned the King for a Recess this day, so his Majesty, respecting the paucity of the Members of this House, and the danger of the Sickness (Plague), is pleased we shall recede this day."

Sir John Elliot moves, "That within three days after our next meeting, the House shall be called, and the Censure of the House shall pass upon all such as be then absent." *Ordered.*

Sir Edward Coke is sent up with a Message, "That by ancient Precedents of this House, Adjournments have always been made by ourselves."

Mr. Speaker, with others, goes up. The Royal Assent is given to some Bills, and they come down, with the Commission for Adjournment.

Mr. Speaker adjourns the House to Oxford, on the first day of August next.

August 1. (Monday.) The Parliament meets at Oxford, in the Great Hall of Christ Church.

In the *Commons*, certain Members are admitted, though they have not received the Communion, which they are to do with all speed.

August 2. Proceedings are taken against Montague.

Sir Edward Coke. We meddle with him only for his contempt of this House, whereof we have Jurisdiction. We will not meddle, ourselves alone, with adjudging his Tenets. Yet we may inform the Lords, where the Bishops are, and they to judge it. This is warranted by the words of the Writ, "*Defensionem Ecclesie Anglicanae*," which are ancient in Henry the Fourth's and Fifth's time, and before, and not brought in in Henry the Eighth's.

August 4. *Mr. Speaker* declares his Majesty's pleasure that both Houses attend him at Nine, in Christ Church Hall.

They attend the King for two Hours. He addresses them, and Lord Conway, and *Sir John Cook*, Secretary, declare the State of the King's Affairs.

August 6. Sir H. Mildmay. We are called hither, First, for Religion. Secondly, for a Supply. Our coldness in Religion is a powerful cause of the previous visitation upon us. He Moves to add to our Petition, that his Majesty will in no instance give any connivance to Papists. 1625.
A. R.
1

A Member having said, "That there had been Speeches with invective bitterness, and very unseasonable for the time," he is ordered to the Bar, and it is agreed, "That he shall kneel at the Bar, and the Speaker let him know, that the House had taken just offence at his words, and therefore that he should stand committed to the Serjeant during the pleasure of the House;" on submission, next day, he is released.

Aug. 8. The Lords require a Conference with the Commons, to deliver a Message from his Majesty by the Lord Keeper and the Duke of Buckingham; and that his Majesty commanded the Lord Keeper to require the Lord Treasurer, the Lord Conway, and Sir John Cook to assist his Grace therein. The Commons agree to meet, and answer, that, as there was an intimation that there might be occasion for a worthy member of their House, though it was against the very fundamental Privileges of the House of Commons, yet they gave way to it, with this Proviso; "That he speak as the King's Servant and Commissioner, and not as a Member of their House."

A Motion is made to send to the Lords to know whether they intend a Committee of the whole House, or the whole House with the Speaker, because in the one case they are to be uncovered, in the other, not. Resolved, The Speaker and all to go as a House, and if the Lords keep bare, to do the like; if they cover, the Speaker and House to do the like.

Aug. 9. The Commons complain of a Pardon granted to a Jesuit, and insist on an explanation thereof, before they hear the King's Message. The Message is delivered, being an Answer to a Petition of both Houses against Popery, &c., and an account of the State of Affairs.

The Commons debate on this Subject.

Aug. 10. The King sends a Message to hasten the Supply, which occasions very long debates. The Commons proceed in the consideration of grievances and postpone the Supply.

Aug. 12. The Parliament is dissolved by Commission; upon which, the Commons make a Protestation.

Feb. 6. (Monday.) A Parliament (II.) is held at Westminster. (m) 1626.
A. R.
1

The King shortly addresses the Houses, and Lord (Sir Thomas) Coventry, Lord Keeper, makes his Speech.

Feb. 8. The Commons present their Speaker, Sir Heneage Finch, Knight, Serjeant-at-Law, and Recorder of London, who, with the usual forms, is allowed, and addresses the Throne.

The Commons appoint a Committee of Privileges and Elections. They fix and appoint a day for receiving the Communion, and nominate a Preacher. Every Member to take the Sacra-

(m) *Feb. 2.* the King was crowned.
Williams, Bishop of Lincoln, late Lord Keeper, having fallen into disgrace with the Duke of Bucks, had not received his Writ of Summons. He represents it to the King, with submission to his Majesty's pleasure, (denied, as he said, to no Prisoners, or condemned Peers, in his Father's reign,) to enable him to make his Proxy, if his personal attendance be not permitted. Rushworth 1. 205.

1626.

A. D.

1

ment at St. Margaret's on Sunday Se'nnight, to bring his name and the place for which he serves, and to deliver it to some gentleman appointed for that purpose. After that time, no man is to come into the House, till he have first received the Communion in the presence of some of this Committee.

Feb. 9. In the *Lords*, the Standing Orders are read, and it is *Agreed*, they shall be read at the beginning of every Parliament. Lord Vaux claims his Privilege, for a stay of Proceedings against him in the Star Chamber.

Feb. 10. A Message from the King to the Commons is delivered, "That his Majesty taking notice of an Order they had made, to send out new Writs upon double Returns, desires to acquaint them also, That Sir Edward Coke, being Sheriff of Buckingham, is returned one of the Knights of the Shire for Norfolk, contrary to the tenor of the Writ; therefore he hopes the House will do him that right to send out a new Writ for that County."

The Commons refer it to the Committee of Privileges and Elections to report on the matter.

A new Writ for East Grinstead is ordered in room of Sir Robert Heath, his Majesty's Attorney-General, according to Precedent, 12 Jac.

Feb. 13. A Bill is read a first time for due Election and free Choice of the Knights of Shires and the Citizens and Burgesses, &c.

Ordered. No Lawyer, or other Member, to depart without licence first obtained in the House, by Motion made after 9 o'clock, A. M.

Feb. 15. The Lords' House is called, beginning with the lowest Baron.

Feb. 16. Mr. Gifford being elected for St. Edmunds Bury, Jan. 11, and the Indentures of Return being of date Jan. 30, on the 23d, he is taken in execution.

Ordered. The Indenture to be amended to Jan 11, by the Town Clerk, who committed the error, for one part, and by the Sheriff, for the other. Mr. G. to have Privilege.

Feb. 17. Sir Robert Howard, during Privilege of Parliament, having been excommunicated for not taking the Oath ex-Officio,

Mr. Selden says, It is clear that breach of Privilege in one Parliament, may be punished in another succeeding. Halles' Case.

The Matter is referred to a Select Committee.

Feb. 18. In the *Lords*, Henry Viscount Mandeville, created Earl of Manchester, Viscount Andover, created Earl of Bucks, the Lord Wentworth, created Earl of Cleveland, George, Lord Crew, created Earl of Totnes, Robert, Lord Carew, of Leppington, created Earl of Monmouth, are introduced, and their Patents are delivered to the Lord Keeper.

Mr. Gay, Mayor of Bath, elected Burgess for Bath, is also Coroner. A Murder having been committed, he desires leave to go home.

Question, whether a new Writ to issue. *Resolved.* For causes alleged, he hath liberty to depart home.

Feb. 21. *Ordered.* That all Knights and Burgesses of every Shire, City and Borough, present the names of all such remaining in Commission or Place of Government, or Command for the Service of the Wars, or Trust, (contrary to the King's Answer)

that either are convicted or greatly suspected of Popery, in writing to the Committee for Religion on Monday next. 1626.

Feb. 22. Ordered, in the Commons, Whoever shall stand in the Entry and not take his place, shall forfeit 12d., to be presently paid to the Serjeant.

Feb. 23. Horace, Lord Vere, of Tilbury, is introduced.

The Earl of Devon claims Privilege for Arrest of a Suit, which is granted.

Feb. 24. Moved, That there be a Committee of the whole Commons' House to consider of the state of the King and Kingdom. The King's settled Revenue to be looked over, and to see how any defects therein may be supplied.

Ordered. Mr. Chancellor of the Exchequer hath leave to acquaint his Majesty with the particulars of this Debate.

Feb. 25. Viscountess Purbeck claims Privilege against an Arrest.

The Lords Agree to Four Orders.

(1) No Lord to be absent at first Meeting of Parliament, except with leave from the King.

(2) He that comes after Prayers, or comes not at all, to pay 5s. for every day's absence.

(3) After this Session, no Lord to receive above Two Proxies, nor more to be numbered in any case voted.

(4) All Proxies from a Spiritual Lord to be made to a Spiritual Lord, and from a Temporal, to a Temporal Lord.

Feb. 27. A Report is made, in the Commons, from the Committee of Privileges and Elections, on the case of Sir Edward Coke. The Debate is put off.

The Commons prepare Articles against the Duke of Bucks; but delay the Supply, notwithstanding a Letter from the King.

Feb. 28. James, Lord Ley, created Earl of Marlborough, is introduced, &c.

March 1. (Wednesday.) Lord Willoughby de Eresby, and the Earl of Oxon, petition touching the office of Lord Great Chamberlain.

March 2. Henry, Lord Ley, eldest Son of James, Earl of Marlborough, is introduced, &c.

The Lords of the Council of War have leave to appear and answer before the Commons, according to the tenor of the Act of Subsidy, 21 Jac.

March 3. Motion is made, in the Commons, for a Select Committee to consider an indifferent course for naming of Committees, the number to be 12.

March 4. The Duke of Bucks making earnest suit to have leave to satisfy the Commons, touching a Complaint, the Lords leave it to himself to do what his Grace shall think fit.

Ordered, in the Commons, The Committee for the Clerk's Book shall have power to take out a Leaf where an Order is erroneously written, and to insert a reformed Order, nothing else being omitted.

March 8. The House divides 226 against 166. The Yeas go out.

March 9. Ordered, None shall go out of the House, when it riseth, before Mr. Speaker.

March 14. Mr. Clement Coke having said, "It was better to die by an Enemy, than suffer at home," The King complains to the Commons of the "Seditious Speech," and desires the justice of the House against him and another, "that the King may not be constrained to use his Royal Authority to right himself against these two Persons."

1626.

A. R.

1

The Commons defer the subject till the following day.

In the *Lords*, the King having committed the Earl of Arundel to the Tower, "for a Misdemeanor, personal to his Majesty, having no relation to matters of Parliament," it is *Ordered*, That the *Lords'* Sub-Committee of Privileges do search for Precedents for the commitment of a Peer of this Realm, during the time of Parliament.

March 20. The Earl of Derby petitions touching the Earldom of Oxon.

Report is made on the Title of the Competitors.

March 22. The *Lords agree*, that the Earldom of Oxon is descended, and ought of Right to come to the Heir Male, and that the Baronies of Bolbecke, Sandford, and Badlesmere, are in his Majesty's disposition.

The Earl of Bristol, after two years' restraint, without trial, &c., petitions for a Writ of Summons.

The *Commons* debate, "Whether Common Fame is a ground sufficient for them to proceed upon," as a Basis of certain *Queries* concerning the Duke of Bucks. It is *Resolved* in the Affirmative, and to proceed against the Duke. They *Resolve*, also, to grant a Supply.

March 24. *Ordered*, The *Lords'* Committees for Petitions have power to reject any Petition, without Report thereof first made to the House, notwithstanding the Order of the 23rd of February.

A. R.

2

March 28. Algernon, Lord Percy, is introduced, on his Writ.

The Judges report their opinions concerning the Office of Great Chamberlain.

Two decide for Lord Willoughby and three for the Earl of Oxon.

The *Lords* determine, That the Duke of Bucks "shall not answer" to another Complaint made in the House of Commons.

The *Lords* humbly beseech His Majesty to send a Writ of Summons to the Earl of Bristol, as also to those other *Lords* whose Writs are stopped, except such as were made incapable to sit there by Judgment of Parliament, or some other legal course.

March 29. The King addresses both Houses at Whitehall, at 9 o'clock.

"He came there to shew the Gentlemen of the House of Commons their errors or unparliamentary Proceedings in this Parliament."

The *Lord Keeper* says, "Never King was more jealous of his Honour, nor more sensible of neglect and contempt of his Royal Rights, which His Majesty will by no means suffer to be violated by any pretended colour of Parliamentary Liberty; wherein His Majesty doth not forget that the Parliament is his Council, and ought to have the Liberty of a Council. But, His Majesty understands the difference between Counsel and Controlling, and between Liberty and the Abuse of Liberty, &c."

"Remember, adds the King, Parliaments are altogether in my power, for their calling, sitting and dissolution. As I find the fruits of them good or evil, they are to continue, or not to be."

March 30. The King, by a Message to the *Lords*, explains part of his Speech of yesterday.

The King sends a Writ to the Earl of Bristol, but, by Letter, signifies "That though His Majesty gives way to the awarding of the Writ, his meaning is thereby not to discharge any former directions for restraint upon his Lordship's coming hither, but

that he is to remain under the same restriction as before, and his personal attendance is to be forborne." 1626.

The King, by Message to the Lords, charges the Earl with several high Offences. A. R. 2

The Lords desire a Conference in the Painted Chamber.

The Commons' House is turned into a Grand Committee on the Matters propounded by His Majesty.

March 31. The Lords Resolve, That the office of Lord Great Chamberlain is come and descended to the Heir General of the last Earl of Oxon.

The King requires his Counsel may be heard touching his Title and Claim to the gift of the said office.

Report is made in the Commons, from the Conference. A Select Committee is appointed for a Satisfactory Answer to His Majesty that their Proceedings have been Parliamentary, and for a Remonstrance to His Majesty on their Privileges.

April 1. (Saturday.) The Earl of Nottingham claims Privilege against a Trial proceeding, &c.

Spencer, Lord Compton, is introduced on his Writ.

P. M. After Argument from Counsel, the Lords Agree, "That the Office of Lord Great Chamberlain is descended unto Lord Willoughby, as Cousin, and Heir General unto Henry, last Earl of Oxon, deceased."

The Counsel for His Majesty's Title find no fit ground to offer to their Lordships.

April 5. An Engrossed Remonstrance to His Majesty is read.

Resolved, That the House be now called.

Ordered, The Clerk of the Crown shall, this Afternoon, make perfect the Book of the names of the Members of this House, according to the Returns made to him in Chancery.

The King appoints this Afternoon, between one and two, in the Gallery at Whytehall, to receive the Remonstrance.

The Commons attend and in their Remonstrance declare "That neither the words mentioned in his Majesty's Message, nor any other of seditious effect, were spoken by Mr. Coke, as hath been resolved by the House without one negative Voice. However, he did let fall some words which might admit an ill construction, but being generally and instantly checked, forthwith explained himself and his intention; that, for the present, we forbore to take them into consideration, which since we have done, and the effect had before this appeared, if by importunate business of your Majesty's service, we had not been interrupted; and the like with regard to Dr. Turner.

"Concerning the Duke of Buckingham, it hath been the ancient, constant and undoubted right and usage of Parliaments, to question and complain of all Persons of what degree soever, found grievous to the Commonwealth, &c., &c.

"Lastly, we most humbly beseech your Majesty graciously to conceive, that, though it hath been the long custom of Parliament to handle the matter of Supply with the last of their businesses, yet, at this time, &c., we grew to the Resolution, for a present Supply, well known to your Majesty."

P. M. The King's Answer is reported in the House. He would not now give answer, but expects and desires that the Commons would adjourn, as the Lords had done, to the 13th. Upon the Question, whether the House shall adjourn until Tomorrow Se'nnight, twice put, the House divides. The Yeas go out. Yeas, 150; Noes, 120.

1626.

A. R.

2

They adjourn till April 13, Thursday, in Easter week.

April 13. (Thursday.) Robert, Lord Willoughby, Lord Great Chamberlain, comes into the House, with the Staff of that office, and takes his Place above all Barons, according to the Statute, 31 Hen. 8, c. 10.

April 15. Robert de Vere, Earl of Oxon, is introduced on his Writ, &c.

April 18. Certain Forgers of Peers' Protections, are sentenced to the Pillory, &c.

Report is made touching the Commitment of Peers during the sitting of Parliament.

Precedents *against*, 18 Edw. 1, 15 Edw. 3, 50 and 51 Edw. 3, 20 Ric. 2, Art. 8, 4 Hen. 4, n. 13, 5 Hen. 4, Art. 71, 8 Hen. 6, n. 57, 31 Hen. 6, n. 28, 34 Hen. 8, 1 Car. (Vaux.)

Precedents *for* commitment for present offence to the King, though neither Treason, Felony, nor Breach of Peace: 28 Eliz. (Earl of Arundell), 5 Eliz. (Earl of Hertford), 25 Hen. 8, (Bishop of Rochester), 28 Hen. 6, (William Larke), 1 Hen. 4, (Bishop of Carlisle), 5 Hen. 4, (Earl of Northumberland), 15 Edw. 3, (Archbishop of Canterbury), 3 Edw. 3, (Bishop of Winchester.)

The Lords answer all these latter Precedents, and it is Agreed by the whole House, "That no Lord, Parliament sitting, or within the usual times of Privilege, is to be imprisoned or restrained, without sentence or order of the House, unless for Treason, Felony, or refusing to give Security for the Peace."

Ordered, A Remonstrance to his Majesty to enjoy the same.

April 19. *Ordered in the Lords*, That if, hereafter, any shew his Privilege, he is not to be detained, but set at liberty; but if he be under arrest before Privilege be shewn, then he is not to be delivered but here at the Bar.

April 22. In the *Commons*, the Debate is resumed upon the Question, "Whether Common Fame is a ground for the Commons' House of Parliament to proceed upon?"

Mr. Littleton. This is not a House of definitive Judgement, but of Information, Denunciation, or Presentment, for which Common Fame is sufficient. A great difference between Common Fame and Rumour. The general voice is Common Fame. The voice of many men is a good ground of Imprisonment for Treason, or Felony, 7 Eliz. Dyer. But I may not say he is a Traitor or Felon.

Mr. Selden. The Question is, whether this House may proceed to transmit to the Lords, upon Common Fame. Else, no great man shall, for fear of danger, be accused by any particular man. This course of Accusation is held in all the Courts in Christendom.

Resolved, upon Question. Common Fame is a good ground of Proceeding of this House, either to enquire of here, or transmit the Complaint, if the House find cause, to the King or Lords.

April 24. The Lords do not think fit the Duke of Bucks shall answer in the House of Commons, upon the same respects as their former Order, 28th March.

A Sub-Committee, of Twelve, having been named to consider the state of the great business in hand, (the Impeachment of the Duke of Bucks,) and reduce it into form, It is *Ordered*, That no Member of the House shall be present at the Debate, Disposition, or Penning of the Business, by the Select Committee, but only to be present at the Examination, and that without interposition.

April 25. A Motion is made against *leaving Gloves, &c.*, for 1628.
keeping places.

April 28. Report is made from the Lords' Committees of Privileges, A. R.
2

(1) That if a Peer, having leave of the House to be absent from Parliament, give his Proxy, and afterwards comes and sits again, his coming doth determine that Proxy, and his Licence of Absence also.

(2) If a Peer, having leave to be absent, makes his Proxy and returns, he cannot make a new Proxy, without new Leave.

(3) All Officers of this House should set down what Fees they claim due, and shew the same to the Sub-Committee, and they consider thereof, and report to the Grand Committee.

The Lords agree.

Ordered. The Sub-Committee of Privileges to search for Precedents, what hath been usually done, when any Peer hath been sent for to be brought before their Lordships; and how a Peer, sent for, shall be demeaned.

April 29. Report is made to the Lords, from the Committee of Privileges, that, according to Precedents, 50 Edw. III., 13 Jac. and 21 Jac., Peers accused by the Commons did all answer in their Places.

May 1. (Monday.) The Attorney General opens the Charge against the Earl of Bristol, in the Lords.

May 4. Lord Wimbledon is introduced.

Report is made on the Precedent for trying the Earl of Bristol, 5 Hen. IV.

May 6. The Attorney General desires the attendance of the Clerk of the Crown in the King's Bench, at reading the Charge against the Earl of Bristol. The Lords refuse, and *Order*, That this Cause shall be retained within this House.

In the Commons, upon Question, twice put, "the voice being doubtful," the "Yea" yields, rather than go out.

May 8. The Earl of Bristol desiring Counsel, the King desires the Lords to proceed with caution, that the ancient fundamental law (against allowing Counsel to Defendants in Cases of Treason or Felony) may receive no prejudice or blemish.

The Commons request a Conference by a Committee of both Houses concerning the Impeachment of a Great Peer, &c.

The Lords "accept not a Conference, but a Meeting, at 2, P. M., by a Committee of both Houses, in the Painted Chamber."

May 9. The ancient Order of the Lords' House is read, That no Man shall speak twice, unless to explain, and that, not without leave first obtained.

Ordered. If any desire to speak again or explain, the Lord Keeper shall demand of the House first, whether leave is given.

Resolved. None may speak again to the same matter, though upon new Reasons; and none to explain unless his former Speech was mistaken, and he hath leave given. If the Cause requires much Debate, then the House is to be put into Committee.

Ordered. Every Lord is to sit in his due Place when the House is to be put into Committee.

Mr. Poole tenders a Bill in the Commons about an Oath to be administered to the Members of the Commons' House of Parliament.

The Bill, "An Act to avoid Suspicion of Injustice in any Member of the Commons' House of Parliament," is twice read, and committed.

1626.

A. D.

2

A Debate concerning the matter disputed yesterday, the Message for committing the Duke of Bucks, is resumed.

Upon some words spoken by Mr. Dyett, it is *Resolved*, upon Question, The words have given just offence to the House, and that he be sequestered during its pleasure.

Upon another Question, before division, the Noes yield, but the Yeas will not accept it, desiring to be numbered. The House divides, Yeas 225, Noes 106.

May 11. The King takes exception to the Lords' Message touching the release of the Earl of Arundell, which desires a *present* answer. The Petition is altered.

Upon a Question twice put, Whether the Yea or Noe shall go out, much debate arises.

A Rule is made, "That whosoever will have a thing, must go out, and so get it." The Noe yields, and a Division is spared.

May 12. Sir Dudley Diggs and Sir John Elliott having been imprisoned by order of the King for supposed treasonable words used at a Conference and for other matters, the Lords clear them by Protestation, and the Commons Resolve "not to do any more business till they are righted in their Privileges." Those gentlemen are released from the Tower, the Judges having given their opinion, "That their Restraint was an arrest of the whole Body, no reason being given to the House for it, and that a breach of Privilege must follow."

May 15. Sir Francis Leeke petitions the Lords against his eldest Son, Lord Deyncourt, for arrears of Rent due on a Lease. He is 94 years of age, and his son, the Lord, refuses to answer his Suit in Chancery, by Privilege of Parliament.

The Lords *Order* the Suit to proceed notwithstanding the Privilege of Parliament, and on payment of the Arrears between this and the next Term, to be stayed.

The Lords inform his Majesty that the Earl of Bristol should have Counsel, according to a general order, 21 Jac., touching allowance of Counsel to Delinquents questioned in Parliament.

May 17. His Majesty is pleased to allow that the Earl shall have Counsel, though against a fundamental Law, Custom and use of Parliament. His Majesty is not satisfied with the general Order, nor that Counsel should be allowed without his Majesty's Licence.

May 20. The King still delaying the release of the Earl of Arundell, it is *Ordered*, in the Lords, That a Committee of Privileges do consider how farther to proceed with dutiful respect to his Majesty, and yet for the preservation of their Privilege, &c.

Ordered, the Clerk to read every Order first in the House, before it is entered.

A Motion is made, in the Commons, "Whether Sir John Elliot be to come here, having been accused of high Crimes, extrajudicial to the House." He is sent for and takes his place. Wishing to withdraw, the House refuses to order his withdrawing.

May 22. Edward, Lord Kymbolton, Oliver Tregoze de Heighworth, and Dudley Carleton de Imbercourt, are introduced into the Lords' House on their Writs and Patents.

May 23. The Commons *Resolve*, upon Thursday next at rising of the House, to adjourn until Thursday in Whitsun week.

Upon Question, The House to be called on Friday next.

Upon Question, Those who shall then make default, without just excuse, shall pay £10, besides further punishment as the House shall inflict.

May 24. The Lords Order the Duke of Bucks to have King's Counsel. 1626.

Upon Question, the taking of Tonnage and Poundage without Assent of Parliament, to be presented to his Majesty by the Commons, as a Grievance. A. R. 2

May 25. The Lords Order that all business shall cease, and consideration be taken how their Privileges may be preserved to Posterity.

The Commons' House adjourns until Thursday next, at Eight o'clock, with a saving of all Committees specially ordered to meet, or proceed in any businesses.

June 2. (Friday.) The King sends a Message concerning the Earl of Arundell, promising to declare the Cause, or admit him to the House, by Wednesday Se'nnight. Ordered, in the Lords, all other business to cease.

Ordered, the Commons' House to be called, and no excuses made till the House is fully called, and then to be heard. The Forfeitures to be disposed as the House shall think fit; and if any failing, and his excuse not allowed, shall not pay the forfeit within a week, a Serjeant-at-Arms to be sent for him to come to the House to answer: and after the House called over, the Defaulters to be presently called.

June 3. Mr. More having said in the Commons' House, "That we were born free, and must continue free, if the King would keep his kingdom," adding, "as, thanks to God, we have no occasion, having a just and pious King;" the King represents these words to the House. A Committee is appointed to examine the matter, and though cleared of ill intentions, he is committed to the Tower for four days, and enlarged on a Message from his Majesty.

June 5. Upon Question, Whoever is absent without leave on call of the House, shall pay £10, at least.

Upon Question, All such Members as, by information to the House, without a call, shall appear to absent the Service of the House, by going out of Town, shall incur the like Penalty.

June 8. His Majesty takes off the restraint from the Earl of Arundell, who appears in the House, and returns Thanks to his Majesty and their Lordships.

June 9. A Letter from the King, to hasten the Supply, is delivered to the Speaker.

Upon Question, Sir Edward Coke standing de facto returned a Member of this House, shall have Privilege against a Suit in Chancery commenced.

June 13. A Bill is read a second time, and committed, in the Commons, concerning divers Privileges of Parliament.

The Lords make an Order against Asperity of Speech in the House.

June 14. The Speaker presents a Declaration to his Majesty, in answer to the King's Letter on the Supply.

June 15. A Commission is signified by the Lord Keeper for the Dissolution of the Parliament.

The Lords petition his Majesty against dissolving the Parliament. The King answers, "That his Resolution is to hear no Motion for that purpose; but that he will dissolve the Parliament."

The Lords, who came to intercede for a longer sitting are answered, "No, not a minute;" and the Parliament is dissolved.

The King publishes a Declaration, containing his Reasons for

1626. the Dissolution of this and the foregoing Parliaments, and a Remonstrance is prepared by the Commons in vindication of their Proceedings. A Proclamation is issued, June 30, for burning this Remonstrance. (n)

A. R.
2

1627. **January 29.** A Great Council is held at Whitehall.

Sir Robert Cotton speaks at great length, and advises the calling of a Parliament. "If a Parliament be the most speedy, assured, and safe way, it is fit to conceive what is the best way to act and work it to the present need. If the time of the usual Summons, reputed to be forty days, be too large for the present necessity, it may be shortened, since it is against no positive Law; so that care may be had that there may be One County Day, after the Sheriff hath received the Writ, before the time of sitting." (o)

1628.

A. R.
3

March 17. (Monday.) A Parliament (III.) is held at Westminster.

Writs are issued to James, Earl of Marleburgh (Treasurer), Earl of Manchester (President of Council), Duke of Bucks (High Admiral), the Marquis of Winchester, Earl of Lindsey (Great Chamberlain), the Earl of Arundel and Surrey (Earl Marshall), the Earl of Pembroke (Steward of the Household), Earl of Montgomery (Chamberlain of the Household), to 5 other Earls, the Earl of Worcester (Keeper of Privy Seal), 41 other Earls, 9 Viscounts, 45 Barons. (p)

After a Sermon at Westminster Abbey, the King comes to the House of Lords, at Two, P. M., and sending for the Commons, addresses both Houses, partly to the following effect.

(n) Parl. Hist. VI. 410, VII. 1 to 390. This Parliament is omitted in Dugdale.

It appears that Sir Edward Coke had been zealous in his opposition to the Court, and was pricked a Sheriff to disqualify him from taking his Seat. On the day before the Dissolution, it is Resolved by the Commons, "That Sir E. Coke, standing, de facto, returned a Member of that House, he should have Privilege of Parliament in a Suit commenced against him in Chancery by the Lady Clare."

The Declaration of the King and Remonstrance of the Commons, together make up all that can be said, on either side, for the King and Parliament.

(o) "It appears, by the Writ of Summons, 14 Edward 3, that in case of absolute necessity, a Parliament might be called within less than forty days." Parl. Hist. I. 233. See Rushworth I. 471, for Sir Robert Cotton's Speech.

(p) From the date given to this Parliament by Dugdale, it may be well to impress on the Reader's recollection, the notice so often given of the different computations as to the commencement of the year, and also of the errors frequently committed by Historical Writers who are considered of good authority. He dates it on Monday, the 7th of March, 1627. But the 7th of March occurred on a Monday only in the years 1625 and 1631. The 17th of March is on a Monday in the year 1628. Rushworth, Clarendon, Dugdale, made constant use of the year of the Anglican Church, which began on the 25th of March, and was adopted from the 12th century, and continued, as the Civil, Ecclesiastical, and Legal Year, till Jan. 1, 1753.

Rushworth says, I. 476, "As fast as Writs came to the Counties and Boroughs to choose Members for Parliament, those Gentlemen who suffered for the Loan, were chiefly in the People's eyes to be elected to serve for them in the ensuing Parliament, to present their grievances, and assert their liberties. He gives the Names of the Gentry, who, by Order of Council, were set at liberty about this time.

A Letter discovered, from a Jesuit to the Father Rector at Brussels, concerning the ensuing Parliament, (p. 478) says, "You shall see this Parliament will resemble the Pelican, which takes a pleasure to dig out with her beak, her own bowels. The Election of Knights and Burgesses hath been in such confusion of apparent Faction, as that which we were wont to procure heretofore with much art and industry, (when the Spanish Match was in treaty,) now breaks out naturally as a botch or boil, and spits and spues out its own rancour and venom. The materials which build up our bulwark, are the Projectors and Beggars of all ranks and qualities. Both these Factions co-operate to destroy the Parliament, and to introduce a new species and form of Government. Those serve as direct medicines and instruments to our end, which is the Universal Catholic Monarchy. Our foundation must be Mutation, and Mutation will cause a Relaxation, which will serve as so many violent diseases, the Stone and Gout, &c., to the speedy distraction of our perpetual and insufferable anguish of body, which is worse than death itself."

"Let me remember you, that my duty most of all, and every one of yours, according to his degree, is to seek the maintenance of this Church and Commonwealth, and *certainly there never was a time in which this duty was more necessarily required than now.*" 1629. A. R. 3

"I, therefore, judging a Parliament to be the ancient, speediest, and best way in this time of common danger, to give such supply as to secure ourselves, and to save our friends from universal ruin, have called you together. Every man must do according to his conscience, wherefore, if you (as God forbid) should not do your dutie in contributing what the state at this time needs; I must, in discharge of my conscience, use other means, which God hath put into my hands to save that which the follies of some particular men may otherwise hazard to lose."

The Lord Keeper makes his usual Speech.

March 19. The Commons present their Speaker, Sir John Finch, who delivers his customary Oration, to which the Lord Keeper replies. (9)

One Bill is read in the House.

March 20. The Earls of Norwich, Lindsey, (who takes his Place as Lord Great Chamberlain), Newcastle, Dover, Lord Viscount Conway, Lord Viscount Bayninge, Barons Tufton, Mountjoy, of Thurgaston, Lovelace, of Horley, Pawlett, of Hinton St. George, Harvy, of Kittbrooke, are introduced.

A Committee of Privileges is appointed and an Order made for suppressing disorders among the Lords' Servants.

The Lords take the Oath of Allegiance.

In the Commons, it is *Ordered*, upon Question, That all doubly returned, shall make Election on or before this day Se'nnight.

Ordered, The Sheriff of Warwickshire to be sent for by the Serjeant-at-Arms, by warrant under Mr. Speaker's hand, for not returning Knights of the Shire, long sithence elected.

Ordered, That all who question any Election returned, do the same by Petition, to be delivered to the Committee of Privileges within fourteen days next following, and for Elections hereafter to be returned, within fourteen days after the Return.

A Committee of Privileges is appointed to examine and consider of all questions in this Parliament, about Elections, Returns and other Privileges of the House, to Report their Opinions and Proceedings, and have power to send for Records and Witnesses and to hear Counsel, every Tuesday and Thursday, P. M., in the Court of the Star Chamber.

Committees are also appointed, with the days of meeting, for Religion, the Courts of Justice, Grievances and Trade.

Ordered, That all Knights, Citizens and Burgesses bring the names of all Recusants, &c.

It is farther *Ordered*, "That all the Members of that House shall receive the Communion at St. Margaret's, Westminster, on Sunday, 6th April, next." Particular persons are assigned to see that each Member takes the same; and such Member is to have and produce in the House, Certificates of it, before he be allowed to sit there. A motion is also made for a Petition to the King for a General Fast to be observed throughout the Kingdom. To which the Lords assent. The King appoints Saturday, April 5.

(9) See Rushworth, I. 485, "A Speech without Doors" on the Inconveniences and Grievances of the State.

The Parl. Hist. VII. 346, says, "The next day the Commons presented their Speaker," which means the 18th. The Journals say, Wednesday, 19th.

1628.

A. R.

3

March 22. Thomas, Earl of Southampton, (on his first Writ), John, Earl of Bristol, and Lord Maynard, are introduced.

Ordered, That Henry, Son and Heir Apparent of Francis, now Earl of Cumberland, who received his Writ of Summons this Parliament, having been called, and ranked, though absent, in the Place pretended to be due to the ancient Barons of Clifford; this is to be no prejudice to the claim of Anne, Countess Dowager of Dorset, daughter and sole Heir of George, late Earl of Cumberland, deceased, nor to the claim of the Lord Abergavenny, nor any other.

The Earl of Banbury's Precedency is referred to the Committee of Privileges.

A Debate takes place in the *Commons* on public Grievances. (r)

Sir Benj. Rudyard observes, "This is the crisis of Parliaments. By this we shall know whether Parliaments shall live, or die. The eyes of Christendom are upon us. The King and Kingdom will be valued and disvalued, both by Enemies and Friends, according to the success of this Parliament. Our Lives, Fortunes and Religion depend upon the Dissolution of this Assembly, wherefore we had need to be wise."

Sir Edward Coke says, "Who will give Subsidies, if the King may impose what he will? and if, after Parliament, the King may enhance what he pleaseth? I know the King will not do it. I know he is a Religious King, free from personal vices; but he deals with other men's hands, and sees with other men's eyes. Will any give a Subsidy, if they are to be taxed, after Parliament, at pleasure? The King cannot lawfully tax any by way of Loans, &c."

March 24. Basil, Baron of Newnham Paddocks, is introduced, &c.

In the *Commons*, An Act is read a first time, "To avoid suspicion of injustice in any Member of the Commons' House."

A second Bill is read a first time, "To avoid suspicion of misdemeanor in any Member of the Commons' House."

Resolved, That the House being resolved into a Committee do take consideration of all things which do concern the Liberty of the Subject, in Person and Goods, and all things incident thereto, with power for Records, &c.

March 25. The *Commons* appoint a Committee to inquire concerning the Judgments given against the Refusers of the Loan. (s)

March 26. Henry, Lord Clifford, is introduced by Writ. Thomas, Lord Fawconbridge delivers his Patent of Creation.

The Committee of Privileges Report that the Precedency granted to the Earl of Banbury is directly contrary to the Stat. 31 Hen. 8, which the Lords declare "to be full and direct in every point."

The Earl of Stamford is introduced.

In the *Commons*, The King makes Propositions for a Supply.

March 28. A Report is made for Colchester. The Bailiffs, Aldermen and Common Council, forty-two, in an Upper Room, read the Writ and elected Sir Thomas Cheeke and Mr. Alford. In a lower Room, the common sort of Burgesses elected Sir Thomas Cheeke and Sir William Masham. The Bailiffs, &c., made

A. R.
4

(r) For the Speeches, see Rushworth, I. 455.

(s) Rushworth errs in calling it March 15, I. 502.

The Commons' Journals are at present much abbreviated, and very imperfect.

their Election by Prescription. Alleged *against*, till Richard I., no Bailiffs; thence, till Edward IV., no Common Council. Then sixteen were appointed by a new Charter, which, by Constitutions sithence, they have increased.

1628.

A. D.

4

Upon Question, Sir William Masham is declared duly elected, and his name is to be inserted in the Indenture by one of the Bailiffs now in town, in place of Mr. Alford; which is presently done.

March 29. Report on Lewes. No Mayor or Bailiffs, but only Constables. Agreed, The Election to be made by the Inhabitants. Two Indentures are returned. By one, Sir George Goring and Sir George Ryvers. By another, Sir G. G. and Mr. Stapeley. It is *Ordered*, afterwards, that Mr. Stapeley is to sit.

April 1. (Tuesday.) In the *Commons*, two Bills for Elections of Parliament, and avoiding suspicion, &c., are Committed.

April 2. Five Peers are contented to allow the Earl of Banbury Precedency *during his life*, out of respect to the King. (Many others do the same afterwards.)

The *Commons* postpone the King's Propositions for a Supply, in favour of Grievances.

April 3. The *Commons* draw up Resolutions touching the Liberty of the Subject, and desire a Conference.

April 4. *Ordered*, Both Houses to keep the Fast To-morrow, the one in the Abby, the other in the Parish Church.

April 7. The King answers a Petition to enforce the Laws against Recusants, favorably, and at great length.

April 9. Report is made in the *Lords* on a Conference respecting the Liberties of the Subject. The Speeches of Sir Dudley Digges, Mr. Littleton, Mr. Selden and Sir Edward Coke, Committees for the *Commons*, embrace the whole Constitutional Law on this Question.

Answers are given to Precedents brought to prove, "That Persons committed by the King, or Privy Council, without other cause shewn, should have been bailed when they prayed it, with assent of the King and Privy Council."

Cases are adduced to prove that "a Freeman imprisoned without cause shewn, is in a worse condition than a Bondsman."

In the *Commons*, Report is made on Coventry. Two Indentures are returned. By one, Mr. Isaac Walden, by the other, Mr. Greene and Mr. Purefoy are returned, gentlemen of worth, but no Inhabitants, nor Freemen. All Freemen are Electors and no others. Upon warning, about 600 appeared. The Magistrates read Stat. 1 Hen. 5.

Sir Edward Coke. For the Statute 1 Hen. 5, for Burgesses Resiant, and so for Knights of the Shire, though in the negative, yet if they elect one not Resiant, the Election is good. *Resolved*, upon Question, Mr. G. and Mr. P. are well elected.

Ordered, The House to be called on Thursday, next week, with the usual Penalties.

April 10. An *Order* is made in the *Lords*, on Lord Banbury's Precedency.

It is *Agreed*, that, in consequence of his Majesty's gracious Message and considering how old a man he is and that he is childless, he shall retain his Place for Life, without prejudice, &c., but, the *Lords* will never hereafter give way to Precedency.

The Attorney-General is heard on behalf of the King, touching the Liberties of the Subject claimed by the *Commons*.

1628.

A. R.

4

The King desires the Commons to sit To-morrow and Saturday, and begin again on Monday. The Privy Council acquaint the King that in respect of the Order yesterday for Thursday in Easter week, which implied a Recess before, and his Majesty's pleasure not known till now, so many are gone and the House is so thin, they pray there may of his gracious favour be a Recess till Thursday. His Majesty, by Sir Edward Coke, for many weighty reasons, desireth there be no Recess.

Ordered, No more Members to recede.

Upon Question, a Select Committee to consider our forbearing Recess, and how far it may be prejudicial to the House.

April 11. The Commons *Resolve*, That their Petition of Right and the Supply shall go hand in hand.

April 12. The King sends another Message to hasten the Supply.

The Commons prepare Instructions for an Address to his Majesty, stating,

(1) That it is the ancient Right of Parliament to dispose of matters there debated, in their own method.

(2) That it is their ancient Custom to consider Grievances before matters of Supply.

(3) That, nevertheless, in this Parliament, to express our affection to his Majesty, contrary to our usual Proceedings, we have proceeded in the Supply as far as we could in Committee, &c.

A Report is made on Bridport. The Question is, whether the Commons or only the two Bailiffs and 13 Capital Burgesses are Electors, the last claiming that sole power by Prescription, proved by 2 witnesses for 40 years. A Certificate of Disclaimer under the hands of 80 Commoners offers to justify upon oath and could have proved it by 40 more. On the other hand, Records 1, 6, Edw. VI., Indenture returned per Ballivos per Assensum Communitatis; 2 and 3 Philip and Mary, Election returned, Accordant; 1 Eliz., Accordant; 1 Jac., Accordant. Proved by 2 witnesses, above 40 Commoners gave voice, 1 Jac. By another, 60 years ago the Commons had voice.

Resolved, upon Question, The Commonalty in general ought to have voice in the Election of Burgesses for Parliament. Secondly, The Election is void in respect of want of warning to the Commonalty. A new Writ.

April 14. In the *Lords*, the Baron Coventry, of Allesborough, and Edward, Lord Howard, of Estryke, Richard, Lord Weston, of Neyland, and George, Lord Goring, of Hurstperpoint, deliver their Patents of Creation.

A Debate takes place on the Liberties of the Subject. The Judges of the King's Bench give the reasons of their Judgment in the Case of a Gentleman imprisoned by the King's Order, for refusing the Loan; of which the Commons had complained.

In the *Commons*, Information being given that the Earl of Suffolk said a Gentleman of this House (Mr. Selden) deserved to be hanged for razing a Record, it is *Resolved*, upon Question, that a Message be sent to the Lords, desiring justice of their Lordships, &c.

By a Report from the Lords, the Earl of Suffolk openly protests he used no such words.

April 15. The Earl of Banbury is introduced, and placed next the Earl of Bucks.

On a Conference proposed, the Lords desire the Commons to

bring their Journal Book with them, as to 18 Jac., entered 1628.
May, 19 Jac. A. R. 4

The Commons decline, as only Short Speeches are entered, not allowed by the House to be entered, then spoken against, and now disavowed, so that the same can be no Record.

April 17. A Conference is held with the Lords concerning the Liberty of the Subject. On the side of the Commons, the whole Question of Law and Precedent, is fully entertained by Heath, Ashley, Littleton, Glanville, Selden, Coke, Diggs, and others.

In the *Commons*, a Report is made for the County of York. The Question is, Whether those who refused to declare their names, were not disabled as Electors? They had answered to these three Questions: (1) They had 40s. Freehold. (2) They were Resiants within the County on the day of the date of the Writ. (3) They were not before polled. The Committee is of opinion, "That it is not necessary to insert the *Names* of the Freeholders in the Indenture, and that it would be inconvenient, as notice might be taken of them to their prejudice."

Resolved. That if an Elector or Freeholder being, by the Sheriff, upon the Poll, demanded his Name, shall refuse it, he is not disabled to be an Elector.

A Report from the Committee respecting the Earl of Suffolk, states, That he hath laid, notwithstanding his denial, a most unjust and scandalous Imputation on Mr. Selden, and therein upon the whole House, and that he be again charged at the Bar. *Resolved*, accordingly, and Sir John Elliot is sent up with this Charge.

Upon Question, a Committee of eight is to survey the Clerk's Book and Report, but make no alteration without Warrant of the House.

April 19. A Report is made in the *Lords* on a Conference as to the Liberties of the Subject, and of the Attorney-General's Arguments in favour of the King's Prerogative, &c.

A Bill is read a first time, in the *Commons*, for more due election of Knights, Citizens, and Burgesses; which, being read a second time on the 22nd, is Rejected.

April 21. The *Lords Agree*, as a general Conclusion, "That a Commitment by the King or his Council, is good, for point of Authority, and if the Cause of Commitment be just, then the Commitment is good for the Matter. But these two Concessions shall no way prejudice the King's Authority, nor yet the Propositions of the House of Commons."

April 23. The Lord Conway is introduced and delivers his Writ. In the *Commons*, upon Question, Whether the Collection shall be for Burgesses, 7s., for Knights, 14s.? the House divides, and the Yeas go out. Yeas 175, Noes 203.

Resolved. Every Citizen and Burgess to pay 6s., every Knight 12s.

April 25. The *Lords agree* to Propositions to be offered to the Commons touching the Liberty of the Subject, to the following effect:

(1) That his Majesty would declare Magna Charta and the Six Explanatory Statutes, to stand still in force, &c.

(2) That he would declare, according to the same, that every free subject of this Realm hath a fundamental Property in his Goods, and Liberty of Person.

(3) That he would ratify to all his Subjects, all their several just Liberties, Privileges and Rights, &c.

1628.

A. B.

4

(4) That in all cases within cognizance of the Common Law, his Majesty will proceed according to Common Law, and the Laws established, &c.

(5) That his Majesty would not use or divert his Royal Prerogative to the prejudice of any of his Loyal People, and having just cause, will, within convenient time, express the Cause of Commitment, &c.

The *Commons* Resolve, upon Question, to send for Five Members of Cornwall; and, by the Serjeant, for One other, who said, "he would not come, for he hoped Parliament would be dissolved within three days."

April 26. The *Lords* refer to the Committee of Privileges, the Precedency of Lord Mountjoy, before the Lords Fawconbridge and Lovelace, created before him.

April 28. The King assures the Lords of his Agreement with their Propositions, and desires both Houses to rely on his Royal word for their Liberties.

The *Commons* order a Committee of Lawyers to draw a Bill containing the Substance of Magna Charta and other Statutes on the Liberties of the Subject.

A Bill for the Liberties of Parliament is read a second time and Committed.

April 29. Privilege is allowed, in the *Lords*, for James Witney, Clerk of the Convocation.

In the *Commons*, Four Sheriffs of York are censured for Proceedings at the Election.

May 1. (Thursday.) Report is made concerning Milborne Port and Webley, which anciently sent Burgesses, and have discontinued long. They sent, 26 and 28 Edw. I. The Records have perished of fifty-two Parliaments, from 26 Edw. I. to 3 Edw. II. Boroughs did sometimes send, and sometimes forbear, not being able to pay Wages. By the Writ, every ancient Borough ought to send Burgesses. (1) The Bounds are like those of ancient Boroughs. (2) They pay Burgage Rents. *Br. Quinzime.* Is to pay a Tenth being a Borough, and not Fifteens. Therefore ought to send Burgesses. Long discontinuance no loss. This no Franchise which may be lost, but a Service pro Bono publico. Boroughs of Ilchester, Pomfret, Hertford, 18 Jac., restored. Three in Bucks, 21 Jac.

Upon Question, Webley and Milborne Port, as ancient Boroughs, to be restored. Writs are ordered.

A Message from the King says, "The time is now grown to that point of maturity, that it cannot endure long Debate or Delay, so as this Session of Parliament must continue no longer than Tuesday Se'nnight at the farthest; that his Royal intention is to have another Session of Parliament at Michaelmas next, for the perfecting of such things as cannot now be done." (1)

May 4. In the *Commons*, Sir Edward Coke says, upon these Messages, "Messages of Love never came into Parliament. Let us put up a Petition of Right. Not that I distrust the King; but, that I cannot take his Trust but in a Parliamentary way."

May 5. The *Lords* order the Committee of Privileges to consider, (1) Whether a Lord in Parliament is to answer upon his Oath, or upon his Honour only; (2) Whether a Peer, having done his Homage once to the King, at his Coronation, be com-

(1) Rushworth erroneously places the Debate on the Message on Saturday, May 30, instead of 3, 1. 361.

pelled to pay for Respect of his Homage, in respect of Lands held of the King in Capite; (3) Whether the Goods of a Privileged Person, (taken in execution during Privilege of Parliament,) ought not to be delivered to the said Party by Privilege of Parliament, &c. &c.

1628.

A. R.

4

May 6. The Committee reports, (1) The Nobility of this Kingdom, and the Lords of the Upper House, are, of ancient Right, to answer in all Courts as Defendants, upon Protestation of Honour only, and not upon the common Oath. (2) Mr. Attorney desires time. (3) The Goods of a Privileged Person ought to be delivered and freed as well as the Person. (4) Touching the Bill for setting at liberty such privileged Persons as shall be arrested after Parliament ended, and during the Privilege thereof, they have desired the Attorney General to draw a new Bill.

Ordered. The Nobility, &c., to answer upon Protestation of Honour only.

The Speaker, and whole House of Commons, by command, attend his Majesty at Whitehall.

A Committee of the whole House takes into consideration the King's Speech.

Ordered. The Key of the House to be brought up, and none to go out.

May 7. A Report is made to the Commons on Boston. Question, whether a select number, or the Commonalty to choose. The Committee agree, that the Election of Burgesses in all Boroughs, did of common Right belong to the Commoners, and that nothing could take it from them, but a Prescription and constant usage beyond Memory.

Resolved, upon Question, The Right of Electors for Burgesses to serve in Parliament for Boston, resteth in the Commonalty, and not in the Mayor, Aldermen and Common Council.

A Report is made from the grand Committee, with the Draft of a Petition of Right. All business is laid aside in the Commons till Monday, 12th May.

May 8. Baptist, Viscount Campden, is introduced.

The Attorney-General declares his opinion concerning Respect of Homage done, and Coronation Homage once done, for Land held of the King, that the Party is to do Homage no more; but touching Respect of Homage done at a Coronation, he finds no allowance for these 300 years, for discharge of Respect of Homage afterwards. Homage once done is to be certified out of the Chancery into the Exchequer. He finds no Certificate of any Coronation Homage, &c. In the Homage (of the present case) there is no word for Land of the King, as required by Law.

May 9. The Lords consider the Commons' Proposal "for a Petition of Rigat, according to ancient Precedents, and as a more Parliamentary way, instead of their Lordships' Propositions."

May 12. John, Lord Mohun is introduced by Writ, 15 April, 4 Car.

May 12. The Lords desire a Conference on the Petition of Right. The King having sent a Letter, the Commons *Resolve*, "Not to enter into consideration thereof, for that it is no Parliamentary Course." (u) They also explain, that with regard to

(u) Rushworth, I. 567, gives the date of this Letter, "20th Maii, 4th year of our Reign," which cannot be, if the former dates are right, and the Conference was held on the 12th May, when the Lord Keeper communicated this Letter.

1628.

A. D.

4

certain alterations in their Petition of Right, "That they had voted it at a Committee, not in their House; for, otherwise, they could not alter any part thereof." The Lords "desire not to change the Substance, but only to alter some Phrases, which may, haply, be displeasing to his Majesty."

In the *Commons*, Report is made on Letters from the "Gentlemen of Cornewale."

Resolved, upon Question, These four Gentlemen to be allowed, and to be heard by, Counsel, at the Committee.

May 13. The King remindeth the House, by Mr. Secretary, that this day is appointed for the end of the Session, and some things having happened to defer it, lets them know that if they do not proceed with the Subsidy, they shall hear from him shortly.

Ordered. All Members to attend this Afternoon.

May 14. A Report is made, in the *Lords*, on a Conference, touching the Petition of Right.

May 15. A Note of Allowance to the Clerks and other Officers, out of the Collection of the House, is read and allowed. All Arrearages to be collected.

May 16. An Act passes the *Commons* for amending a word in a former Act of Parliament.

The *Lords*, on Petition from the *Lower House of Convocation*, admit their Privilege, on Arrest of a Servant.

The Countess of Dorset, by Petition, claims the Baronies of Clifford, Westmoreland and Vesey.

May 17. The *Lords' Committee* bring in an Addition to the Petition of Right to this effect, "We humbly present this Petition to your Majesty, not only with a care of preserving our own Liberties, but with due regard to leave entire that Sovereign Power, wherewith your Majesty is trusted for the protection, safety and happiness of the People." (v)

In a Conference, the *Lords* give their Reasons.

May 19. Motion is made to send to the *Lords* to know whether they agree to the Petition in all the parts of it; if not, that they will agree to a free Conference to accommodate that, before the House enter into a consideration of the Addition.

May 20. In the *Lords*, a Bill is twice read, Committed and Engrossed, (and passes on the 22d), for the Confirmation of Letters Patent by our late Sovereign Lord, King James, to James, Earl of Bristol, by the name of John Digby, Knight.

The Committee of Privileges are to consider an Order for the discharge of those *Lords* who have done their Homage to the King at the Coronation, from doing any further Homage.

May 22. Privilege is claimed for the Earl of Danby's Chaplain. It is referred to a Committee of Privileges to consider, whether Privilege doth extend to all Qualified Chaplains or not.

May 23. Report is made in the *Lords* of a Conference on the Petition of Right. Mr. Glanville and Sir H. Martin argue against an Amendment of the *Lords*.

May 24. The *Commons Resolve* upon a Message to the *Lords*, to desire a Conference by a Committee of both Houses. Answer, "The *Lords* will meet them presently in the Painted Chamber." The *Commons* decline this meeting because unparliamentary, and because our consenting to any nomination of a Committee about any Declaration, Manifestation, &c., implieth our con-

(*) See Rushworth for Mr. Glanville's and Sir Henry Martin's Speeches concerning Sovereign Power, at a Conference, May 23, 1628.

sent to an Accommodation, as if it were in this case necessary. Secondly, that this will bring great delay to the business of the King and of Christendom, which we desire to further. 1628.

These Reasons to be delivered, with a desire to the Lords to join in our Petition. A. D. 4

May 26. Ordered, the Chaplain of the Earl of Essex to have Privilege.

A Bill, to amend an Act, 1 Jac., "For Privileged Persons arrested after Parliament," passes the *Lords*.

The Earl of Lyncolne obtains Privilege against two Persons who entered a Ground of his, and sealed a Lease thereof.

May 27. The *Lords* give up their Amendment, and pass the Petition of Right.

The Commons, by *Sir Edward Coke*, send a Message to the *Lords*, "To render their most hearty Thanks for their noble and happy concurrence all this Parliament, and, they acknowledge, that they have not only dealt nobly with them in words, but also in deeds."

The Petition of Right is Engrossed, Read, and Ordered to be sent to the *Lords*, and presented to his Majesty. The Debate refers to 1 Edw. III., 9, 13, Hen. IV., 14, 39, Edw. III. 1^o, 14 Edw. III. n. 31^o.

Upon Question, the *Lords* to be acquainted with the desire of this House, that his Majesty would be pleased to give his Answer to this Petition in full Parliament.

A Message from the *Lords*. Having received the Petition, they have read it thrice, and with unanimous consent voted it, though they had voted it before. For moving the King, they desire a Conference.

May 28. The *Lords* having sent to know the King's pleasure, his Majesty is graciously pleased to be attended by both Houses, at Three, P. M., in the Banqueting House. (w)

May 29. Lord Mohun desiring to know whether he is to answer Charge made against him in the House of Commons, the Lord Keeper tells him, "The *Lords* do not advise you to answer there, but leave it wholly to yourself to do therein what you shall think fit."

A Message from the King. He will shortly give an Answer to the Petition of Right of both Houses, and desireth there may be no Recess these Holidays.

Resolved, to defer the Resolutions herein, and that Precedents be looked up by the Clerk, and presented To-morrow.

May 31. Report on Warwick. Question, Whether Election ought to be by Mayor and Common Council, or Commons in General. A Petition of 200 *Commoners* disclaims the Right. The Committee refuse the Petition, because, "if but one *Commoner* sues for his Right, they will hear him." Resolved, upon Question, the Right of Election belongs to the Commonalty.

June 2. The King sends for the Speaker and whole House, and gives his Assent to the Petition of Right. He says, "I am come hither to perform my promise. I think no man can think it long, since I have not taken so many days in answering the Petition, as ye have spent weeks in framing it. And I am come hither to shew you, that as well in formal things, as essential, I desire to give you as much content as in me lies."

(w) See the Petition of Right, Rushworth I. 596. The Journals say the Petition was delivered to the King on the 28th, Historians say on the 29th.

1628.

A. R.

4

He farther says, "The King willeth that Right be done according to the Laws and Customs of the Realm; and that the Statutes be put in due Execution, that his Subjects may have no cause to complain of any wrong or oppressions contrary to their just Rights and Liberties, to the preservation whereof, he holds himself in conscience as well obliged, as of his own Prerogative."

June 3. Mr. Rouse charges Dr. Manwaring for preaching two Sermons, asserting, "That the King's Royal Command, imposing Taxes and Loans, without consent of Parliament, did so far bind the Conscience of the Subjects of the Kingdom, that they could not refuse the payment without peril of Damnation, and that the Authority of Parliament was not necessary for raising Aids and Subsidies."

The King's Answer to the Petition of Right displeases the Commons, and, after a Debate, they vote a Remonstrance. In these Debates, the Serjeant is ordered to attend on the outside of the Door of the House, and no man is to offer to go out, upon penalty of being sent to the Tower.

June 4. The King, by Message, signifies that he shall put an end to the Session on the 11th.

In the *Lords*, a Bill is introduced concerning the Title, Name, and Dignity, of Earl of Arundell, and for annexing the Castle, Honour, Manor, and Lordship of Arundell, with the Titles and Dignities of the Barony of Fitz-Allen, Clun, Oswalstreve, and Matravers, &c., being now parcel of the Possessions of Thomas, Earl of Arundell and Surrey, Earl Marshall of England, to the same Title and Dignity of Earl of Arundell.

The *Commons* proceed to make a Declaration against Dr. Manwaring. Mr. Pym, in a very long Speech, makes the following Observations:—

"The best form of Government is that, which doth actuate and dispose every part and member of the State to the common good; and as those parts give strength and ornament to the whole, so they receive from it again strength and protection in their several stations and degrees.

"If this mutual relation and intercourse be broken, the whole Frame will quickly be dissolved, and fall in pieces; and instead of this concord and interchange of support, while one part seeks to uphold the old form of Government, and the other part to introduce a new, they will miserably consume and devour one another. Historians are full of the calamities of whole States and Nations in such cases.

"It is true, that time must needs bring about some alterations, and every alteration is a step and degree towards dissolution. Those things only are eternal, which are constant and uniform. Therefore, it is observed by the best writers on this subject, that those Commonwealths have been most durable and perpetual, which have often reformed and recomposed themselves according to their first institution and ordinance; for by this means they repair the breaches, and counterwork the ordinary and natural effects of time.

"There are plain footsteps of those Laws, in the Government of the Saxons; they were of that vigour and force, as to outlive the Conquest; nay, to give bounds and limits to the Conqueror, whose victory gave him, first, hope; but the assurance and possession of the Crown he obtained by composition; in which he bound himself to observe these, and the other ancient Laws and Liberties of the Kingdom, which afterwards he likewise confirmed

by Oath at his Coronation; and from him the said Obligation descended to his Successors. It is true, they have often been broken; but they have often been confirmed by Charters of Kings, and by Acts of Parliaments; but the Petitions of the Subjects, upon which those Charters and Acts were founded, were ever Petitions of Right, *demanding their ancient and due Liberties, not suing for any new.* 1628. A. N. 4

"Those Liberties of the Subject, are not only most convenient and profitable to the People, but most honourable and necessary for his Majesty. It hath been, upon another occasion, declared, that if those Liberties be taken away, there would remain no more industry, no more justice, no more courage. For who will contend, who will endanger himself, for that which is not his own?"

It is *Ordered*, that the House shall meet at Seven, and every Man absent at Prayers, shall pay 12*d.* to the Poor.

June 5. A Message from the King requires the Lords to adjourn to the next day. The Lords fearing a Dissolution, name a Select Committee to represent to his Majesty the danger likely to ensue if the Parliament should now be dissolved, but the Privy Counsellors satisfy the House that there is no cause to apprehend a sudden Dissolution.

The King also sends a Message to the Commons, not to interfere with affairs of State; which occasions great Debates, in the course of which, the Speaker interrupts Sir J. Elliott, saying, "There is a Command laid upon me, to interrupt any that should go about to lay an Aspersions on the Ministers of State."

Sir Dudley Diggs. "Unless we may speak of these things in Parliament, let us arise and begone, or sit still and do nothing."

Sir Nath. Rich. "We must now speak, or for ever hold our peace; for us to be silent, when King and Kingdom are in this Calamity, is not fit."

The House declares, "That every Member of the House is free from any undutiful Speech from the beginning of the Parliament to that day; and *Orders*, That the House be turned into a Committee to consider what is fit to be done for the safety of the Kingdom, and that no man go out upon pain of being sent to the Tower." The Speaker desires Leave to go forth for half an hour, which is granted, and the House forms a grand Committee. Many "Heads" are adopted, concerning Religion, Misgovernment, &c.

On the Speaker's return, he brings this Message from the King, "That his Majesty commands for the present, they adjourn the House till To-morrow Morning, and that all Committees cease in the mean time." The House is accordingly adjourned.

June 6. A Message from the King is delivered to the Lords and Commons.

The Commons proceed upon Grievances.

June 7. The King grants his Writ of Summons to James, Son and Heir apparent of William, now Earl of Derby, by name of James Strange, Chivalier; and the Heralds rank him in the Place of the Ancient Barons of Strange.

Anne, Countess of Castlehaven, eldest Daughter and Co-heir of Ferdinando, late Earl of Derby, deceased, claims the name and Title of the said Barony.

The Lords *Order* the said Writ of Summons to be no way prejudicial to the said Right and Claim.

1628.

A. R.

4

In a Conference between the Houses, it is *agreed* to address the King, "That he would be pleased to give a clear and satisfactory Answer, in full Parliament, to the Petition of Right."

At 4, in the Afternoon, the King comes to the House of Lords and the Commons attending, he commands the Clerk of Parliament "to cut out his former answer from the Journals" and, desiring the Petition to be read, says, "My Maxim is that the People's Liberties strengthen the King's Prerogative, and that the King's Prerogative is to defend the People's Liberties. I have shewn myself ready to satisfy your demands, and have done my Part, wherefore, if the Parliament have not a happy conclusion, the sin is yours, I am free from it," and then gives the Answer, "Soit Droit fait come est desiré," on which, the Commons "give a great and joyful applause." (x)

June 10. The King sends a Message to the Commons, "His Majesty is well pleased that your Petition of Right and his Answer, be not only recorded in both Houses of Parliament, but also in all the Courts of Westminster: and his pleasure is, that it be put in Print, for his Honor, and the Content and Satisfaction of his People; and that you proceed cheerfully to settle businesses for the good and Reformation of the Commonwealth."

By another Message, the King, on Petition of the Lords, is graciously pleased to give some few days longer for the disposal of business in both Houses, so as the Petition of Right and the Subsidy may go hand in hand together.

By Order of the Lords, Dr. Manwaring is taken into Custody to answer the Charge against him.

June 11. Upon a Question, the Commons' House divides, Yeas 235, Noes 145.

June 12. An Act passes for Five entire Subsidies from the Temporality.

June 13. The Commons frame a Remonstrance against the Duke of Bucks, as the Cause of all Grievances.

June 14. Judgement is given against Manwaring, who is to be imprisoned, pay a fine of £1000, to make submission, be suspended for 3 years, disabled from ever preaching at Court, or to have any Ecclesiastical Dignity or Secular Office, and his Book to be burned.

June 16. The Duke of Bucks is left to his Choice, whether or not to answer in the House of Commons.

A joint Petition from the Houses, requests his Majesty to cancel a Commission, issued in Feb., to raise Money by Impositions, or other ways, in the nature of *Excise*.

The Lords also desire his Majesty to issue a Proclamation against Dr. Manwaring's Book. To both of these requests, the King accedes.

The Lords make an exception to the Bill of Subsidy, which contrary to ancient Precedents, and the last, only names the Commons, whereas in former cases the Preamble runs, "We your Majesty's most humble and Loyal Subjects, in your High Court of Parliament," &c., neither naming the Lords nor Commons.

They desire the words, "The Commons," may be put out, and ask warrant from the Commons' House, as they will bring from theirs, that the Committee may amend it. The Commons

(x) At this period the Journals of the Commons are very abrupt and concise.

consider this course of dangerous example in point of consequence. 1628.

A Message is sent for a Conference concerning the Enrolment of the Petition of Right in the Courts of Westminster, sitting the Parliament, and also concerning a Title. A. R. 4

The Lords pass the Subsidy Bill.

June 17. Dr. Hampden, one of his Majesty's Chaplains in Ordinary, is allowed Privilege against certain Proceedings at Common Law.

June 18. The Commons answer the Lords' Exception, "They had considered their Lordships' Proposal; and as they had always endeavoured to keep up a good Correspondence between the two Houses; knowing that it is the very Heart-string of the Commonwealth; so should they be ever as zealous of their Lordships' Privileges, as of their own Rights."

June 20. The Title to the Petition of Right is agreed on by Lords and Commons.

"The Petition exhibited to his Majesty by the Lords Spiritual and Temporal and Commons, in this present Parliament assembled, concerning divers Rights and Liberties of the Subjects; with the King's most Royal Answer thereunto in full Parliament." It is also *Agreed*, "That the King's Answer in French, shall be printed in English, for the better Satisfaction of the Vulgar." (y)

The King approves the Title.

The Commons resume a Debate on Tonnage and Poundage.

Mr. Selden says, The King's Counsel object, that 1 Eliz. saith, It was granted, Time out of Mind, to the King. But not only in 1 Eliz., but the Statute, 1 Jac., "Time out of Mind" is, That whereas, King Henry VII., and other his Majesty's Progenitors, have had some Subsidy for guarding the Seas; and there was never a King but had some Subsidy; in that sense, it is, indeed, Time out of Mind; yet is it a matter of free gift. For Public Bills, the King saith, "Le Roy le Veult;" for Petitions of Right, "Soit Droit fait comme il est désiré." For the Bill of Subsidies, "The King heartily thanketh the Subjects for their good will." In all the Bills of Tonnage and Poundage is the very same Answer, save one, 1 Eliz., and that by mistake of the Clerk.

A Committee is appointed to draw up a Remonstrance to his Majesty of the People's Rights, and of the undue taking of Tonnage and Poundage and Impositions, without Act of Parliament, and to shew the Reasons why the House cannot, in so short a time, prepare that Bill.

June 21. Sir Edmund Sawyer, a Member, having advised Mr. Dawes, if sent for to the House, not to be examined on Oath, is committed to the Tower, and excluded the House for ever.

June 23. Report is made on the (customary) Bill of Conti-

(y) A Parliament having been called in Ireland irregularly, "Forasmuch, as Writs of Summons for a Parliament to be held in that Kingdom in November next, have been issued illegally, contrary to the Statutes made in that behalf, anno 10 Henry 7th and 3 Eliz., and the due formality of a Licence, which ought to have been first obtained of his Majesty, under the Great Seal of England, was not obtained, whereby the said Summons is in itself null and of none effect, &c.," an Order of Reference is made to the Judges on the Subject, who, October 2, 1628, give their Opinions thereon, that such Summons is illegal and void, whereas the Statute, 10 Henry 7th, commonly called Poyning's Act, and the Statute 3 and 4 Philip and Mary, expounding and explaining the doubts that had been conceived upon that Act, do prescribe an absolute form of summoning a Parliament in that Kingdom, &c. &c.

Rushworth 1. P. II. 20.

1628.

A. R.

4

nuance and Repeal of Statutes, and it is *Ordered*, all the Acts to be made perpetual, which the Committee report to be fit to be so, and such to be omitted, as are so reported.

June 24. The Bill of Subsidies is passed by the Clergy.

June 26. In the *Lords*, *Ordered*, that the *Lords'* Sub-Committees meet after the end of the Session, to peruse and perfect the Journal Book.

The King having signified his intention of coming to the House in the Afternoon, appears there very unexpectedly in the Morning. He had not on his Parliament Robes, neither had the *Lords* on theirs. His Majesty addresses the House from the Throne. "He came there to prevent any more Remonstrances, which were preparing, and to which, as meaning to take away his Profit of Tonnage and Poundage, the chief maintenance of the Crown, he might give a harsh Answer."

The Parliament is then prorogued to Tuesday 20th of October.

Oct. 20. (*Tuesday*.) The Parliament is again prorogued to Tuesday, 20th of January. (x)

1629.

A. R.

4

January 20. (*Tuesday*.) The Second Session of the Third Parliament is held at Westminster.

Writs are issued to the Lord Treasurer, President of Council, Keeper of Privy Seal, Marquis of Winchester, to the Great Chamberlain, Earl Marshall, Steward of the Household, Chamberlain of the Household, to 64 Earls, 9 Viscounts, 47 Barons, (*Chivalers*). (a)

In the *Lords*, the Roll of Orders is read.

Five Lords are introduced.

Mountjoy Blunt, Baron Mountjoy of Thurveston (Derby), created Earl of Newport (Isle of Wight), by "Charta," 3 Aug., 4 Car., takes his Place next the Earl of Caernarvon.

Richard, Earl of Clanricarde, Viscount Tunbridge, created Earl of St. Albans (Hertford), 23 Aug., 4 Car., is placed next to the Earl of Thanet.

Dudley Carleton, Baron Carleton of Imbercourt, created Viscount Dorchester (Oxon), 25 July, is placed next after Viscount Campden.

Thomas Wentworth, Baron de Wentworth Woodhouse, and Baron of Newmarch and Oversley, created Viscount Wentworth, 4 Dec., 4 Car., is placed next to Viscount Dorchester.

James Strange, summoned by Writ, 17 Feb., 3 Car., is placed next to Baron Percie.

The *Commons* revive all Committees, and order a Call of the House, for the 27th. They likewise make enquiry, whether the Petition of Right be enrolled, and whether any infringements of it had taken place since the end of the last Session. The inquiry is deferred till the following Tuesday, by reason of the fewness of the House, many not being come up.

Mr. Rolles, a Member, complains, "That his Goods were seized by the Officers of the Customs for refusing to pay the Rates demanded, although he told them he would pay what was adjudged by Law."

(x) Rushworth I. 644. Parl. Hist. VII. 338, VIII. 243. It will be recollected that the Journals of the Lords and Commons always form the basis of this Analysis of the Parliamentary Proceedings, though no immediate reference is made to them. With this Session terminates the Third Volume of the Lords' Journals.

(a) Dugdale, 1628. Parl. Hist. VIII. 245.

Ordered. Upon committing every public Bill, one of the Committee shall be specially named to take care of it.

Motion made, to think of some course for nominating Committees, to avoid the confusion which is now in nominating them.

Resolved, Mr. Lynn, being a Member of this House before he was elected Mayor of Exeter, ought to serve here.

Ordered. Mr. Speaker first to go out, on rising of the House, and the House to follow.

Jan. 21. Francis Leigh, Baron Dunsmore, is introduced, and placed next to Baron Boteler.

Ordered, in the Commons, That all Members receive the Communion.

Ordered. A Committee of the whole House to consider wherein the Petition of Right has been invaded. The Printer having suppressed the First Edition, and printed another with additions, answers, he did it by Warrant of the King, or Lords.

Jan. 22. John Boteler, Baron Boteler, of Branfield (Herts), is introduced on his Creation by Patent, 30 July, 4 Car., 1623, and is placed next to Baron Savil.

The Commons' Committee reports, that the Suppression and Addition in the Petition of Right, were by Order of Mr. Attorney General, in a Warrant of several Papers.

A Doubt arising, whether a Question be made as to sending for these Papers, it is *Resolved*, to put a Question, whether a Question shall be made of it. It is *Resolved* affirmatively.

Jan. 23. His Majesty, by Message to the Commons, willetth that any further debate on Proceedings in this case be forborne till To-morrow, at 2, p. m., when his Majesty will speak to both Houses, in the Banqueting House, at Whitehall.

Jan. 24. The King says, "By passing the Bill, my past actions will be concluded and my future Proceedings authorized; which certainly would not have been stricken upon, if men had not imagined that I had taken these Duties as appertaining unto my hereditary Prerogative, in which they are much deceived: For it ever was, and still is my meaning, by the gift of my People to enjoy it; and my intention, in my Speech at the end of the last Session, was not to challenge Tonnage and Poundage as of Right, but "de bene esse;" shewing you the necessity, not the Right by which I was to take it, until you had granted it unto me," &c.

Jan. 26. His Majesty addresses both Houses.

The Bill of Tonnage and Poundage is diverted in the Commons, by a Debate on Grievances in Religion, chiefly directed against the Arminians, "who still increase and are the Spawn of a Papist."

Mr. Pym urges, that it is the duty of the Parliament in general, and of each Christian in particular to follow the ways propounded for a remedy; and that, howsoever it was alleged that the Parliament are not judges in matters of faith, yet ought they to know the established and fundamental truths, and the contrary to them. Parliaments have confirmed Acts of general Councils, which have not been received till they have been so authorized, and Parliaments have enacted Laws for trial of Heretics by Juries."

The Commons, at length, adopt a Resolution of the whole House, expressing "their adherence to the Articles of Religion established under Queen Elizabeth, and rejecting the sense of the Jesuits and Arminians, wherein they differ from them."

1629.

A. R.

4

1629.

A. R.

4

Jan. 27. The King having at the end of last Session commanded the Remonstrance to be delivered to him, sends the same back to the House.

A Report is made on the Privileges of Lords' Servants. Their freedom is to begin from the date of the Writ, in the beginning of every Parliament, and to continue 20 days before and after every Session. (b)

Jan. 28. The King sends a Message respecting the Bill of Tonnage and Poundage. On the following day, the Commons send an Apology for not passing the Bill, and for their desire to proceed with Religion.

The King in his Reply, concludes, "And, therefore, I must still be instant with you, that you proceed with this business of Tonnage and Poundage, with diligence, not looking to be denied in so just a desire: and you must not think it strange that if I find you slack, I give you such further quickening, as I shall find Cause."

Resolved. A Committee to pen an Answer to his Majesty on the inconvenience arising from these Messages, by Debate and loss of time, &c.

Jan. 29. In Answer to a Petition from both Houses for a Fast, the King says, "Though the custom of Fasting every Session is but lately begun, and he is not fully satisfied with the necessity of it, &c., yet he willingly grants their Request."

His Majesty appoints the 18th Feb. for both Houses, and the 20th of March for the whole Kingdom.

Lord Deyncourt and the Earl of Leicester claim Privilege in a Cause against them.

Mr. Pym moves in the *Commons*, that Sir John Heppesley may answer a Petition preferred against him in the House of Lords.

Sir Robert Philips, No Commoner is to be complained of but in this House, and here to answer it.

Resolved, He is not to answer, upon pain of displeasure and expulsion.

Jan. 30. It is *Ordered*, in the *Commons*, That no man go out of the House during the sitting of the grand Committee, without licence, upon pain of Censure.

Feb. 9. (Monday.) The Lords' House is called.

The Question of the Precedency of Foreign Nobility is taken up. Whereas divers Englishmen have obtained degrees of Honour as Earls, Viscounts and Barons, within the Kingdom of Scotland and Ireland, and thereby do pretend to have Place and Precedency in all Commissions and Meetings above the Nobility of this Kingdom, the House is moved to consider how far this wrong may be redressed, either by an Act of Parliament by both Houses, or by humble Petition of their Lordships to his Majesty, or by a joint Protestation of this House against it.

A Petition from the Lords is prepared and presented to his Majesty, with the Reasons alleged by the Lords. The King (Feb. 19) answers, "That though he could not but interpret well of their Lordships' Proceedings in this Matter, he may say it is easier to prevent an Inconvenience, than redress it when it has happened." No further measures are taken therein.

(b) The frequent Proceedings on claim of Privilege for Lords' Servants are hereafter omitted, as are those usual ones on Fasts, appointments of regular Committees, &c., their form being established and admitting little variety.

The Commons proceed upon Religion and other Grievances. 1629.
The Sheriff of London having been found in variation and contradiction in his examination, it is conceived a Contempt of the House, and he is ordered to be sent for as a Delinquent, to answer at the Bar. He acknowledges his error, but is committed to the Tower.

Mr. Selden. "I cannot remember when we did commit a Sheriff of London, but I remember when this House committed both the Sheriffs of London to the Tower, for an abuse of a less nature."

Report is made on the Election for Flynt. The Writ was issued by privy, and direction of the Lord Keeper. The Clerks of the Crown Office claim, in times of Prorogation, to make out Writs of Course, without order from the Lord Keeper. They had done it sometimes in times of Adjournment. There are Precedents in their Books from 14 Eliz. From 14 to 23 Eliz., 46 Writs, and others in the Prorogation of the Parliament, 1 Jac., and 2 Writs in time of adjournment. The Committee leave the Question to the House.

Feb. 10. Report is made in the Lords from a Committee appointed to consider the Question, Whether a Serjeant-at-Arms may arrest the Person of a Peer, out of Privilege of Parliament, upon contempt of a Decree in Chancery. They had perused the Order, 14 Eliz. It did not appear at that time, that by any Statute, Law, &c., or Precedent, the Person of any Lord of Parliament had been attached, and the then attachment appeared derogatory and prejudicial to the ancient Privileges of the Lords of this Realm, with the Proviso (then made) that, if, at any time after, shall be shewed sufficient matter, &c., that the Persons of Lords of Parliament ought in any case to be attached, then such attachment to take place.

Precedents for the attachment of Lords since 14 Eliz. were one, 18 Eliz., and most in King James's time. The Committee find that some Lords not knowing their Rights had submitted, and some were not attached, though so Ordered. They are of opinion that a Declaration like that of 14 Eliz. should be made, That the Lords ought to enjoy their ancient and due Privileges, with a similar Proviso.

It is generally Assented, That the Peers of the Land shall enjoy the same Privileges, &c., as in the Order, 30 June, 14 Eliz., with the Proviso, as in the case of Lord Cromewell.

In the Commons, *Mr. Rolles* states, "That since the last complaint, his Warehouse was locked up by a Pursuivant, and that yesterday he was served with a Subpœna to appear in the Star Chamber, and, since, he received a Letter from Mr. Attorney, that it was a mistake."

Sir Humphry May. "This proceeds from some great Error, for I will assure you this never proceeded from King or Council."

Mr. Selden. "This is not to be reckoned as an Error; for, questionless, this is purposely to affront us, and our own Lenity is the Cause of this."

The Subpœna is read, but the Letter not suffered to be read. The Messenger who served the Subpœna is sent for, and a Committee appointed to see the Information in the Star Chamber, with Power to send for Persons or Records.

A general order is agreed on, "That all the Committees that have Power to send for Parties, shall have power to command any of them as they shall think fit, to attend the House at such times as they shall think fit."

1629.

A. D.

4

Feb. 11. Ordered, in the Commons, Every Member to attend, and none to go out of Town, &c.

Feb. 12. The Lords Order the Lord Deyncourt to pay certain sums decreed in Chancery, under Penalty of Commitment to the Fleet, and the Lord Keeper to put this order in Execution, notwithstanding the Privilege of the said Lord.

In the *Commons*, on a Complaint that the Licensing of Books was now only restrained to the Bishop of London and his Chaplains, who often refuse their Licence, and "poursuivant" those who print Orthodox Books:

Mr. Selden says, "The refusing to license Books is no Crime, but the licensing of bad Books is a Crime; or the refusing to license Books because they are written against Popery, or Arminianism. There is no Law to prevent the printing of any Book in England, only a Decree in the Star Chamber. Therefore that a man shall be fined and imprisoned, and his goods taken from him, is a great invasion on the Liberty of the Subject."

Feb. 14. The Lords appoint a Committee for a Bill to prevent the decay of Churches and Chapels, and to provide a sufficient stipend for Curates.

In the *Commons*, a Debate takes place on a Member of that House appearing to answer before the Lords. *Mr. Selden* says, "The use was, that no Commoner should be called to the Higher House, but it will trench upon and disadvantage the Privilege of this House; and until the 18th Jac., there never was a Precedent to the Contrary." He moves, that this be considered by a Select Committee. It is *Ordered*, "that Sir John Ipsley shall not have leave to answer to the Lords' House."

Feb. 16. The Lord Privy Seal is appointed Speaker during the Lord Keeper's Absence.

Feb. 19. The Earl of Leicester claims Privilege for certain Proceedings in execution of a Commission, in a Cause, within the time of Privilege of Parliament, when the Earl's Commissioners could not attend.

The *Lords Order*, that all Depositions taken by the Commission awarded out of Chancery shall be suppressed.

The Lords petition the King, "to add some maintenance to the Supportation of the Earldom of Oxon."

It is *Questioned*, Whether the Son of an Earl, called by Writ, ought to take place, in this House, according to his Father's ancient Barony. The Committee of Privileges is to consider this, and so of the son of a Viscount, and of a Baron, having two Baronies.

The *Commons* debate on the seizure of a Member's Goods for Tonnage.

Feb. 21. It is Ordered in the Lords, that a Trial in the King's Bench, as to Lands, concerning the Lord Goringe's Servants, shall be stayed, during Privilege of Parliament.

At a Committee of Privileges in the *Commons*, *Mr. Littleton* asks, "Whether a Member of the House hath his goods privileged upon a Prorogation, being seized for the King? All Privileges are allowed for the benefit of the Commonwealth; the Parliament's Privilege is above any other, and the Parliament only can decide Privilege of Parliament, not any other Judge or Court. A Man may not distrain for Rent in Parliament time, but for all arrearages after the Parliament, he may distrain. He is not to be impleaded in any Action Personal, or his goods seized in the Exchequer. Both by Record and Act of

Parliament, he is in the King's Royal protection. It might be high Treason to kill a Parliament man; and the King answered it accordingly, which made it a Law. For the Judges to determine Privilege of Parliament, were to supersede and make void the Law; and as to the Proclamation, the Privilege stands good until the day of Prorogation. The King is never so high in point of state as in the Parliament; and all Privilege is good, unless in cases of High Treason, Felony, or Breach of the Peace."

It is *Resolved*, on the Report, "That a Member of the House ought to have Privilege of Person and Goods; and that the Command of his Majesty is so great, that they leave it to the House."

Feb. 23. Garter, Principal King at Arms, claims a Fee from each Lord, for his first Entrance and Placing in Parliament, as well from Lords coming in by Descent, as by Creation and Summons. His Petition is referred to a Committee.

Feb. 25. The King, by Message, desires the Lords and Commons to adjourn to Monday, the 2nd of March, at Nine o'clock.

March 2. (Monday.) By a similar Message, the King commands a further adjournment to Tuesday Se'nnight, the 10th of March.

In the *Commons*, several Members object, "That it is not the Office of the Speaker to deliver any such Command unto them; for the Adjournment of the House does properly belong unto themselves: and after they have settled some things, they think convenient to be spoken of, they would satisfy the King. (c)"

Sir John Elliot offers a Remonstrance on Tonnage and Poundage, which the Speaker and Clerk both refuse to read. He then reads it himself. Being offered to be put to the Question, the Speaker says, "He is commanded otherwise by the King."

Mr. Selden. "If you will not put the Question, which we command you, we must sit still, and shall never be able to do any thing. We sit here, by Command from the King, under the Great Seal; and as for you, you are, by his Majesty, sitting in his Royal Chair, before both Houses, appointed our Speaker: and do you now refuse to be a Speaker?"

The *Speaker* replies, "He had an express Command from the King, so soon as he had delivered his Message, to rise." Thereupon, he rises, and leaves the Chair, but is drawn to it again by several Members. The Privy Counsellors endeavour to free him, but Mr. Holles declares, "He should sit still, till it pleased them to rise."

The *Speaker* (with tears), "I will not say I will not, but I dare not."

Mr. Selden "Ever loved his person well, but could not choose but much blame him now: That he, being the Servant of the House, should refuse their Command, under any Colour; and

1629.

A. R.

4

(c) Rushworth, 1. 670, says, on Wednesday, 28th of February, both Houses, by his Majesty's Command, were adjourned to Monday Morning, the 2nd of March, on which day the Commons meet, and urge the Speaker to put the Question: who said, I have a Command from the King to adjourn till March 10, and put no Question. In much confusion, the House was adjourned to the 10th of March, according as it was intimated from his Majesty. Nevertheless, his Majesty, by Proclamation, dated the 2nd of March declares the Parliament to be dissolved.

After the 28th of February, the First Volume of the Commons' Journals terminates as to this reign, but from page 333 to 1057, contains a Journal of the First Parliament of King James, "Diarium, Sessio prima die Martis, 19 Mart., 1603." From this date, the Journal proceeds daily to Saturday, 7th of July, 1604, 2 Jac. 1. At page 1692, it begins, Mart. 18 d. Nov., 1696, and proceeds to Saturday, 5 d. July, 1697, 5 Jac. This error of date commences with Thursday. Saturday was the 4th. This "Diarium" is an amended Copy of the Proceedings of this period already given.

1629.

A. A.

4

that his Obstinacy would be a precedent to Posterity, if it should go unpunished : For that, hereafter, if we should meet a dishonest Speaker, (and we cannot promise ourselves to the contrary,) he might, under pretence of the King's Command, refuse to propose the business and intendment of the House, and therefore wished him to proceed."

The Speaker still refuses, "with weeping and supplicatory Orations."

Mr. Holles is required to read certain Articles of Protestation on Innovations in Religion, and Tonnage and Poundage, which being allowed, the House rose.

The King, hearing that the House continued to sit, notwithstanding his Command for Adjournment, sends a Messenger for the Serjeant with the Mace, which being taken from the Table, there can be no further Proceedings. The Serjeant is stayed by the House, and the Key of the Door taken from him, and given to a Member of the House to keep.

The King sends the Black Rod, to dissolve the Parliament, but neither he, nor his Message, are received into the House. Upon which, the Captain of the Band of Pensioners is sent to force the Door, but the Rising of the House, which is adjourned to the 10th of March, prevents further inconvenience and mischief.

March 10. The King comes to the House of Lords in his Robes and Crown. Divers Members of the Commons are present, but their House is not called up, and the Speaker does not attend. The King speaks of the undutiful and seditious Carriage in the Lower House, that hath caused this Dissolution.

The Lord Keeper then *Dissolves* the Parliament.

In a Declaration published of the Causes of the Dissolution, he says, "We are not ignorant how much that House hath, of late years, endeavoured to extend their Privileges, by setting up general Committees for Religion, for Courts of Justice, for Trade, and the like ; a course never heard of till of late ; so as, where in former times, the Knights and Burgesses were wont to communicate to the House, such business as they brought from their countries ; now there are so many Chairs erected, to make enquiry upon all sorts of men, where complaints of all sorts are entertained, to the insufferable disturbance and scandal of Justice and Government ; which having been tolerated a while by our Father and ourself, hath daily grown to more and more height ; insomuch, that young Lawyers sitting there, take upon them to decry the opinions of the Judges, and some have not doubted to maintain, that the resolution of that House must bind the Judges, a thing never heard of in ages past. But in this last Assembly of Parliament, they have taken on them much more than ever before, &c."

"We do declare, that we will maintain the ancient and just rights and liberties of our Subjects, with so much constancy and justice, that they shall have cause to acknowledge, that under our Government and gracious protection, they live in a more happy and free state than any Subjects in the Christian World. Yet let no man hereby take the boldness to abuse that Liberty, turning it to Licentiousness, nor misinterpret the Petition, by perverting it to a lawless Liberty, wantonly or frowardly, under that or any other colour, to resist lawful and necessary authority, &c."

Several Members are subsequently examined before the Privy

Council, on the Speaker's Affair, and are committed to the King's Bench. 1629.

Previously to Proceedings against them in the Star Chamber, the Judges are summoned to Serjeants' Inn, on the 25th of April, and the Attorney General proposes certain Questions to them. Upon their Answers, an Information is exhibited against the Gentlemen. A. B. 4

The Objections of the Defendants, That, forasmuch as these Offences are supposed to have been done in Parliament, they ought not to be punished in this Court; That the Parliament is a superior Court, and therefore this Court cannot examine their Proceedings; That it is a Privilege of Parliament, whereof this Court is not a competent Judge; That the Parliament Law differs from the Law by which they judge in this Court in sundry cases; That there is no Precedent in this matter; are severally overruled by the Judges. To the instance given of difference of Judgment, "That by the Statute none ought to be chosen a Burgess of a Town in which he doth not inhabit, but that the usage of Parliament is contrary;" it is answered by Mr. Justice Whitelocke, "If Information be brought upon the said Statute against such a Burgess, I think the Statute is a good Warrant for us to give Judgment against him." (d)

Judgment is given against them in the following Hilary Term (1630); That they shall be imprisoned during the King's pleasure; shall afterwards give security for good behaviour, and make submission, and pay fines, varying from £500 to £2,000.

April 13. (Monday.) A Parliament (IV.) is held at Westminster. 1640. A. B. 16

Writs are issued to Charles, Prince of Wales, John Lord Finch, (Keeper of the Great Seal), W., Bishop of London, (Treasurer), Earl of Manchester, (Keeper of the Privy Seal), Marquis of Winchester, Earl of Lindsey, (Great Chamberlain of England), Earl of Arundell and Surrey, (Earl Marshall of England), Earl of Northumberland, (High Admiral), Earl of Pembroke and Montgomerie, (Chamberlain of the Household), the Earls of Shrewsbury, Kent, Derby, Worcester, Rutland, Cumberland, Sussex, Huntingdon, Bath, Southampton, Bedford, Hertford, Essex, Lincoln, Nottingham, Suffolk, Dorset, Salisbury, Exeter, Somerset, Bridgewater, Leicester, Northampton, Warwick, Devon, Cambridge, March, Carlisle, Denbigh, Bristol, Middlesex, Holland, Clare, Bolinbroke, Westmorland, Berks, Cleveland, Mulgrave, Danby, Monmouth, Marleburgh, Rivers, Newcastle, Dover, Peterborough, Stanford, Kingston, Carnarvon, Newport, Chesterfield, Thanet, St. Albans, Portland, Stafford, Viscounts Montague, Purbeck, Say and Sele, Conway, Campden, Barons Howard de Moubray, (*eldest Son of the Earl of Arundell*), Clifford, (*eldest Son of the Earl of Cumberland*), Nevill de Bergavenny, Tuchet de Audley, Stanley de Strange, (*eldest Son of the Earl of Derby*), Berkley, Parker de Morley, Sutton de Dudley, Stourton, Vaux de Harrowden, Windsor, Cromwell, Evers, Wharton, Willoughby de Parham, Paget, North, Gerald, Stanhope de Harington, Arundell de Wardour, Mountagu de Kymbolton, Fielding de Newnhamptox, (*eldest son of the Earl of Denbigh*), Grevill de Brooke, Mountague de Boughton, Grey de Warke, Deyncourt, Roberts de Truro, Craven, Belasses de

(d) See Rushworth I. 672, &c.

1640.
A. D.
16

Fauconberge, Lovelace, Paulet de Hinton St. George, Harvy de Kidbrooke, Brudenell, Maynard, Coventrie, Howard de Escrick, Goring de Hurst-Perpoint, Mohun, Savile de Pontfract, Botiller, Leigh de Dunsmore, Herbert de Powes, Herbert de Chirbury, Cottington, Finche de Fordwiche. (e)

(e) On the 22nd of January, 1634, the Lord Viscount Wentworth, Lord Deputy of Ireland, writes to his Majesty a Letter, advising the calling of a Parliament in that Kingdom; but it does not appear whether that advice was taken. Rushworth, I. P. II. 208.

On Thursday, the 20th of June, 1633, the King opens a Parliament, in the Parliament House, at Edinburgh. He made his Speech, and the Parliament proceeded to choose the Lords and Members of the Articles according to their usual manner. The Bishops being to nominate the Temporal Lords, there were elected three Lords suspected to be Popish. These Lords, and Members of the Articles, consisted of eight of the Clergy, eight of the Nobility, eight Barons, and eight Burgesses. The manner of Election was thus: (1) The Noblemen elect the Clergy. (2) The Clergy elect and choose the Noblemen. (3) The elect Clergy and Noblemen elect the Barons. (4) The elect Clergy, Nobility, and Barons, elect the Burgesses. The Officers of State make up that body which devise, contrive, and form, all Acts that are to pass in Parliament, which being so presented are passed without difficulty. These Members convene daily till Friday, 28th of June, when the whole Parliament met and passed several Acts, and are then dissolved by the King. Rushworth, I. P. II. 182.

Another Parliament is held at Edinburgh, May 15, 1639, by the King's Commission, directed to John, Earl of Marr, and others. This Parliament is continued, by various Prorogations, to 14th of January, 1642. Rushworth, III. pp. 782, 885, 932, 935, 994, 1004, 1007, 1025, 1042, 1057.

An Irish Parliament is holden at the Castle of Dublin, in 1640, as appears from the Letter of the Council of Ireland, bearing date the 23rd of March, in that year. Rushworth, III. 1007, &c.

Dugdale calls the year of the present English Parliament, 1640, A. D. 15, which must be wrong. The Historians, Rushworth, Clarendon, &c. and the Parl. Hist. (VIII. 397, 482) make it 1640, which is A. D. 16.

Clarendon erroneously says, (p. 44) the Parliament commenced on the 3rd of April. Speaking of the Dissolution of the former Parliament, in the 4th year, this last Author (p. 2) says, "It was determined, with a Profession and Declaration, that since, for several ill ends, the calling again of a Parliament was divulged, however his Majesty had shewed by his frequent meeting with his People, his love to the use of Parliaments, yet the late abuse, having for the present, driven his Majesty out of that course, he shall account it presumption for any to prescribe any time to his Majesty for Parliaments."

During the long intermission of eleven years, many impositions were practised on the People to supply the funds which were denied by Parliament. The most remarkable of these Taxes was the affair of Ship Money, on which, see Rushworth, II. 335, 344, 362, 364, 453, 480 to 608, 727, 975, 985, 991, 1395, and App. 159 to 265, &c. The first writ for Ship Money was 29th of October, 10 Car. 1634.

Nevertheless, by the testimony of all contemporary Historians, England was never more prosperous or happy. "There quickly followed the Dissolution, says Clarendon, p. 22, so excellent a Composure throughout the whole Kingdom, that the like Peace and Plenty, and universal Tranquillity for ten years were never enjoyed by any Nation;" and again, p. 25, "From the dissolution of the Parliament in the 4th year, to the beginning of this Parliament, which was above twelve years, this Kingdom, and all his Majesty's Dominions (of the interruption in Scotland, somewhat shall be said in its due time and place) enjoyed the greatest calm, and the fullest measure of felicity, that any people in any age, for so long time together, have been blessed with, to the wonder and envy of all the other parts of Christendom." With much enlargement on this subject, and at p. 26, the Author adds, "In a word, many wise men thought it a time, wherein those two adjuncts, which Nerva was desired for uniting, 'Imperium et Libertas,' were as well reconciled as it is possible. But all these Blessings could but enable, not compel us to be happy. We wanted that sense, acknowledgment, and value of our own happiness, which all, but we, had; and took pains to make, when we could not find ourselves miserable, &c. &c."

In Vol. II. p. 1105, Rushworth has supplied the Names of the Knights, Citizens, and Burgesses of the Counties, Cities, and Borough Towns of England and Wales, and the Barons of the Ports, summoned to sit in Parliament, holden at Westminster, 13th day of April, 1640, in the 16th year of the Reign of King Charles. The numbers are as follow:—

| | | | | | |
|--------------------------------|---|------------------------------|---|------------------------------|---|
| <i>Dedford</i> (County) | 2 | <i>New Windsor B.</i> | 2 | <i>Bodwyn B.</i> | 2 |
| <i>Town</i> | 2 | <i>Reading B.</i> | 2 | <i>Helston B.</i> | 2 |
| <i>Buckingham C.</i> | 2 | <i>Wallingford B.</i> | 2 | <i>Saltash B.</i> | 2 |
| <i>Town</i> | 2 | <i>Abingdon B.</i> | 1 | <i>Camelford B.</i> | 2 |
| <i>Wiccombe Borough.</i> | 2 | <i>Cornwall</i> | 2 | <i>Port-pigham, or West-</i> | |
| <i>Allsbury B.</i> | 2 | <i>Dunchevit, or Lances-</i> | | <i>lowe B.</i> | 2 |
| <i>Agmondesham B.</i> | 2 | <i>ton B.</i> | 2 | <i>Grampound B.</i> | 2 |
| <i>Wendover B.</i> | 3 | <i>Leskard B.</i> | 2 | <i>Eastlow B.</i> | 2 |
| <i>Merlowe B.</i> | 2 | <i>Lostwithiel B.</i> | 2 | <i>Penrin B.</i> | 2 |
| <i>Berkshire</i> | 2 | <i>Truro B.</i> | 2 | <i>Tregony B.</i> | 3 |

According to ancient custom, Proclamation is made in the
Lobby of the House of Commons by Order of the Lord

1640.
A. R.
16

| | | | | | |
|-----------------------|---|-------------------------|---|------------------------|---|
| Bossing B. | 2 | Middlesex | 2 | Bridgewater B. | 2 |
| St. Ives B. | 2 | Westminster City | 2 | Mynhead B. | 3 |
| Fowey B. | 2 | London City | 4 | Ilchester B. | 2 |
| St. Jermins B. | 2 | Monmouthshire | 2 | Milborne Port B. | 2 |
| Michell B. | 4 | Monmouth T. | 2 | Sussex | 2 |
| Newport B. | 3 | Northamptonshire | 2 | Chichester C. | 2 |
| St. Mawes B. | 2 | Peterburgh C. | 2 | Horsham B. | 2 |
| Kellington B. | 2 | Northampton T. | 2 | Midhurst B. | 2 |
| Cumberland | 2 | Brackley B. | 2 | Lewes B. | 2 |
| Carlisle City | 2 | Higham Ferrers B. | 1 | Shoreham B. | 2 |
| Cambridgeshire | 2 | Nottinghamshire | 2 | Ramber B. | 2 |
| Cambridge Univ. | 2 | Nottingham T. | 2 | Steyning B. | 2 |
| Town | 2 | East Bedford B. | 2 | East Grimsted B. | 2 |
| Cheshire | 2 | Norfolk | 2 | Arundel B. | 2 |
| Chester City | 2 | Norwich C. | 2 | Westmerland | 2 |
| Derbyshire | 2 | Lynne Regis T. | 2 | Appleby B. | 2 |
| Derby Town | 2 | Great Yarmouth T. | 2 | Wiltshire | 2 |
| Devonshire | 2 | Thetford T. | 2 | Salisbury B. | 2 |
| Exeter City | 2 | Castle Rising B. | 2 | Wilton B. | 2 |
| Totnes B. | 2 | Northumberland | 2 | Downton B. | 2 |
| Plimouth B. | 2 | Newcastle-upon-Tyne | 2 | Hyndon B. | 2 |
| Barnestaple B. | 2 | Town | 2 | Heytsbury B. | 2 |
| Plimpton B. | 3 | Morpeth B. | 2 | Westbury B. | 2 |
| Taristocke B. | 2 | Berwick T. | 2 | Caine B. | 2 |
| Dartmouth B. | 2 | Oxfordshire | 2 | Vize B. | 2 |
| Clifton-Hardnes | 2 | Oxford Univ. | 2 | Chippenharn B. | 2 |
| Bereaston B. | 2 | C. | 2 | Malinsbury B. | 2 |
| Tiverton B. | 2 | Woodstock B. | 2 | Kricklade B. | 2 |
| Derbyshire | 2 | Banbury B. | 1 | Bedwyn B. | 2 |
| Pool Town | 2 | Rutland | 2 | Ludgershall B. | 2 |
| Dorchester B. | 2 | Surrey | 2 | Old Sarum B. | 2 |
| Lynne-Regis B. | 3 | Southwarke B. | 2 | Wotton Bassett | 2 |
| Waymouth B. | 2 | Blechenley B. | 3 | Marleborough B. | 2 |
| Melemb-Regis B. | 2 | Ryegate B. | 3 | Worcestershire | 2 |
| Bridport B. | 2 | Guilford B. | 2 | Worcester C. | 2 |
| Shaftsbury B. | 2 | Gatton B. | 2 | Droitwich B. | 2 |
| Wareham B. | 2 | Haslemere B. | 2 | Evesham B. | 2 |
| Corfe Castle B. | 2 | Staffordshire | 2 | Bewdley B. | 1 |
| Essex | 2 | Litchfield B. | 2 | Warwickshire | 2 |
| Colchester B. | 2 | Stafford T. | 2 | Coventry B. | 2 |
| Malden B. | 2 | Newcastle-upon-Lyne | 2 | Warwick T. | 2 |
| Harwich B. | 2 | B. | 2 | Yorkshire | 2 |
| Gloucestershire | 2 | Tamworth B. | 2 | York C. | 2 |
| Gloucester City | 2 | Shropshire | 2 | Kingston upon-Hull T | 2 |
| Gloucester B. | 2 | Salop B. | 2 | Knaresborough B. | 2 |
| Tewksbury B. | 2 | Bruges, or Bridgenorth | 2 | Scarborough B. | 2 |
| Huntingtonshire | 2 | Ludlow B. | 2 | Rippon B. | 2 |
| Huntington Town | 2 | Great Wenlocke | 2 | Richmond B. | 2 |
| Hartfordshire | 2 | Bishops Castle | 2 | Heydon B. | 2 |
| St. Albans Town | 2 | Southampton | 2 | Borough-bridge B. | 2 |
| Hartford Town | 2 | Winton B. | 2 | Thurske B. | 2 |
| Herefordshire | 2 | Southampton T. | 2 | Aldburgh B. | 2 |
| Hereford City | 2 | Portsmouth B. | 2 | Beverley B. | 2 |
| Lempster B. | 2 | Yarmouth B. | 3 | Pomfret B. | 2 |
| Wesley B. | 2 | Peterfield B. | 2 | | |
| Kent | 2 | Newport or Medena .. | 2 | | |
| Canterbury City | 2 | Stockbridge B. | 2 | | |
| Rochester City | 2 | Newtowne B. | 2 | | |
| Maidstone B. | 2 | Christchurch | 2 | | |
| Queenborough B. | 2 | Whitechurch B. | 2 | | |
| Lincolnshire | 2 | Linnington B. | 2 | | |
| Lincoln City | 2 | Andover B. | 2 | | |
| Boston T. | 2 | Suffolk | 2 | | |
| Grimsby T. | 2 | Ipswich B. | 2 | | |
| Stamford T. | 2 | Dunwich B. | 2 | | |
| Grantham B. | 2 | Orfowd B. | 2 | | |
| Leicestershire | 2 | Aldburgh B. | 2 | | |
| Leicester T. | 2 | Sudbury B. | 2 | | |
| Lancashire | 2 | Eye B. | 2 | | |
| Preston in Anderas B. | 2 | St. Edmondsbury B. | 2 | | |
| Lancaster T. | 2 | Somersetshire | 2 | | |
| Liverpoole B. | 2 | Bristol C. | 2 | | |
| Wigan B. | 2 | Rath C. | 2 | | |
| Clithero B. | 2 | Wells C. | 2 | | |
| Newton B. | 2 | Taunton B. | 2 | | |

CINQUE PORTS

BARONS OF.

| | |
|--------------------|---|
| Hastings B. | 2 |
| Winchelsea B. | 2 |
| Rye B. | 2 |
| Rumney B. | 2 |
| Hyeth B. | 2 |
| Dover B. | 2 |
| Sandwich B. | 2 |

WALES.

| | |
|------------------------|---|
| Anglesey | 1 |
| Bewmaris B. | 1 |
| Brecknockshire | 1 |
| Brecknock T. | 1 |
| Cardiganshire | 1 |
| Cardigan T. | 1 |
| Cairmarthenshire | 1 |
| Cairmarthen T. | 1 |
| Cairnarvonshire | 1 |

1640.

A. D.

16

Steward, "That all Members should take the Oaths of Allegiance and Supremacy, before him, or they could not take their Seats in the House." He also gives orders, "That if more were returned than there ought to be, none should be sworn, until it should be decided by the House who were duly elected; and that no Earl's eldest Son should be called by the Title of Viscount; also, that the eldest Son of the Earl of Kent be not called Lord Ruthyn, but Lord Grey only."

The King and Charles, Prince of Wales, are present.

The King opens the Session, and the Lord Keeper, Sir John Finch, addresses both Houses.

April 14. The Convocation begins at St. Pauls.

April 15. Serjeant Glanvill, Speaker of the Commons, is accepted.

The Commons being summoned to the Upper House, and informed by a "Quarter-Master Waiter upon his Majesty, and not by the Gentleman Usher of the House of Lords, whose duty it was, that the King was staying for them to confirm the Speaker," they represent the impropriety, but obey the Summons rather than make the King wait.

A Bill is read in the Commons, and the House adjourns till the following Morning, at Eight o'clock. (f)

April 16. Lord Mowbray is introduced and delivers his Writ to the Lord Keeper. He is placed at the upper end of the Baron's Bench.

Lord Herbert de Cherbery is placed between Lord Powis and Lord Cottington.

The Lord Keeper receives his Patent of Creation from Garter, and kneeling down, lays the same upon the Chair of Estate. He is then brought to his Place as a Baron.

Lord Cottington, created since last Parliament, having never sat in the House, but having neglected to bring his Writ or

| | | | | | |
|--------------------|---|------------------------|---|----------------------|---|
| Cairnarrow T. | 1 | Glamorganshire | 1 | Pembroke T. | 1 |
| Denbighshire | 1 | Cardiffe T. | 1 | Montgomeryshire | 1 |
| Denbigh T. | 1 | Merionethshire | 1 | Montgomery T. | 1 |
| Flintshire | 1 | Pembrokeshire | 1 | Radnorshire | 1 |
| Flint T. | 1 | Hartfordweston T. | 1 | Radnor T. | 1 |

It will be observed that in eleven instances there are supernumerary returns, amounting to 12 Members, so that the Members for England, including the Cinque Ports, were 476, and for Wales 24, total 500.

(f) The old practice of Parliament was to meet at 8 and rise at 12, that the Committees on whom the greatest burden of the business lay, might have the afternoons for their preparation and dispatch. It was not the custom to enter upon any important business in the first fortnight, both because many members used to be absent so long, and that time was usually thought necessary for the appointment and nomination of Committees, and for other Ceremonies and preparations that were usual; but there was no regard now to that Custom, and the appearance of the members was very great, there having been a large time between the issuing out of the Writs and the meeting of the Parliament, so that all Elections were made and returned, and every body was willing to fall to the work. Much the greater part of the Members had never before sat. Clarendon II. 44.

Rushworth II. 1114, &c., is very particular in the details of this Parliament, supplying the principal Speeches, and, besides the lists of the Commons, a Catalogue of the Lords Spiritual and Temporal summoned by the King's Writ, (p. 1156.) It appears, that, of 92 Earls, 21 had been made since the first of King James, and 22 since the first of King Charles; of 5 Viscounts, 2 had been made by King James, and 2 by King Charles; of 51 Barons, 13 were made by King James, and 18 by King Charles. There were present also the King, Prince Charles, and the Duke of York, 1 Duke, (Buckingham), 1 Marquis, (Winchester), 26 Bishops, some Lords as Privy Counsellors, though not Peers of England, such as the King called for his assistance; and, sitting on the Woolsack, all the Judges, the Barons of the Exchequer, 4 Masters in Chancery, the King's learned Council, the Serjeants, the King's Attorney-General, and the Officers of the Upper House, the Clerk of the Crown, the Clerk of the Parliament, the Usher, the Yeoman Usher.

Patent, is excused. It is *Ordered*, That this shall not be a Precedent, being done out of favour to him. 1640.

It is *Moved*, That, in regard the Convocation House doth sit To-morrow, the House do adjourn till Saturday. A. R. 16

This is not *Agreed*, Because the High Court of Parliament is not subordinate to any other, but, on account of the Lord Keeper's ill health, such adjournment may take place.

April 18. The Lord Chief Justice of the King's Bench is appointed Speaker during the Lord Keeper's Absence, by Commission from the King.

Lord Viscount Campden delivers his Writ.

His Highness the Prince of Wales' Writ is read.

Lord Audley comes in upon Restitution. His Patent, of 3 June, 9 Car. is read. He is placed above Lord Strange.

Lord Cottington's Patent is delivered, but not read.

A Committee is appointed on the use, in the Prayer Book of the House, of the words "Thy Catholick Church of England," which, as understood of the Catholick Faith professed by the Church of England, are allowed to stand.

The Speaker of the Commons makes a Report of the Speeches delivered by the King and Lord Keeper, which is entered on the Journals, with the Proviso, "That it was done by his Majesty's Special Command, and shall be no Precedent to following Speakers, but upon like Special Command, or the desire of the House."

In a Debate upon "Grievances," Mr. Pym divides them into three Classes; *First*, into those, which, during these Eleven Years' interval of Parliaments, are against the Liberties and Privileges of Parliament: *Secondly*, Innovations in Matters of Religion: *Thirdly*, Grievances against the Property of our Goods.

Inquiry is made into the Proceedings against Members of the last Parliament, and the affair of Ship Money.

April 20. The Lords direct the Grand Committee of Privileges to consider the Oath of Allegiance before their Lordships take it.

The Commons *Resolve*, "That the Speaker refusing to put the Question, the last day of the last Parliament, on a verbal command from his Majesty, signified to this House by the Speaker, to adjourn, and no adjournment made by this House, is a breach of the Privilege of this House."

They make a Representation to his Majesty of that violation of their Privileges.

April 21. The Lord Archbishop of Canterbury reports from the Grand Committee; "The ordinary days for the Convocation of the Clergy to sit, are Wednesday and Friday, from 8 or 9 till 11; but they may sit on any days, or at any hour, so it be without prejudice to this Honourable House. But this House is always free to sit or not upon Convocation Days, as they see Cause, and the Lords Spiritual are ever to move by the Lord Keeper, upon Tuesdays and Thursdays, Whether this Honourable House will sit the day following or not, that so they may dispose of themselves and their Affairs accordingly."

By Command, the Speaker and Commons attend the King in the Banqueting House, Whitehall. The Lord Keeper urges them to hasten the Supply.

The Commons *Resolve* to prefer Grievances to the Supply.

April 23. The Earl of Strafford is introduced, and delivers his Patent.

1640.

A. R.

16

In the *Commons*, Mr. Glinne reports from the General Committee of Grievances, "That it is presented to them by the Knights, Citizens, and Burgesses, that the Ship Money is complained of as a Grievance by all the Counties, Cities, and Boroughs, of England." (g)

April 24. The *Lords* sit in a Committee of the whole House, on the King's Speech. The Questions, "That his Majesty's Supply should have Precedency, and be resolved of before any other matter whatsoever; and, That a Conference be desired with the House of Commons," are carried by the "Contents" against the "Non-Contents."

In the *Commons*, it is said, and not contradicted, "That every Member of this House has Privilege for 16 days exclusive, and 15 days inclusive, before the beginning and ending of every Parliament."

Report is made on East Grinstead. Election belongs to the Free Burgage Holders only. The Election of Mr. Goodwin is by the Inhabitants. He affirms the Inhabitants, as well as the Burgage Holders, have right, as proved by Indentures, Queen Mary, Eliz., Edw. VI., Hen. VIII. Sir W. Compton is elected by Free Burgage Holders. *Ordered*, upon Question, Both are well elected.

Hends for a free Conference with the *Lords* are brought in by the Committee, and as touching the Liberties and Privileges of Parliament. (1) Punishing men out of Parliament, for things done in Parliament. (2) That which is already voted in the House concerning Privilege of Parliament. (3) Sudden Dissolving of Parliament without redress of Grievances. *Resolved*, the two first to be adopted. The last not put to the Question, and laid by for the present.

April 25. *Resolved*, Mr. John Rushworth to be admitted Clerk Assistant in the House, at request of the Clerk himself. *Ordered*, Mr. Rushworth not to take any Notes here, without the precedent directions, and command of this House, but only of the Orders and Reports made in this House.

April 27. The Earls of Rivers and Caernarvon, and Lord Powis, are introduced, and deliver their Patents.

The *Lords*, at a Conference, having recommended Precedency of Supply, the *Commons Resolve*, "That the *Lords* voting and declaring concerning matters of Supply, before it was moved from this House, is a breach of the Privileges of this House."

They desire another Conference.

April 28. In the *Commons*, an Act for more due Election of Knights, Citizens, and Burgesses to serve in Parliament, is read a first time.

On a Report from the Committee of Privileges, it is *Resolved*, That no Conditional Election ought to be allowed.

Report is made on Conference with the *Lords*. Mr. Pimme delivered unto their Lordships, that notwithstanding their Declaration, that matters of Subsidy naturally and properly belong to this House, they had voted that they held it most necessary and fit that the matter of Supply should have precedence, &c. Their Lordships are desired, in their wisdom, to find out some way of reparation of their Privileges for the present, and of prevention of like infringement for the future.

April 29. The *Lords Resolve*, That their voting "that the Supply should have precedence," was no Breach of the *Commons'* Privilege.

(g) Mr. Waller distinguishes himself in this Debate. Rushworth says he was a Member of every Parliament to the Dissolution, 1678. (1140.)

April 30. The Lords again vote, "That it was no Breach of Privilege of the House of Commons for their Lordships to hear what his Majesty declared to them, and thereupon to report the same to the House of Commons." The Keeper of the Records in the Tower is ordered to attend next morning with the original Record of 9 H. 4, and 2 Ric. 2, concerning the Indemnity of the Peers and Commons, and a Committee is appointed to draw up heads for another Conference.

1649.
A. N.
16

Upon the Commons' division for a *present* Conference, there were, Yeas, 148, Noes, 257. Total present, 405 Members. (h)

May 1. (Friday.) In the Lords, a Report is made on the Heads for a Conference, and on "the substance of that Establishment which hath relation to the manner of presenting Aids and Subsidies to the King, and giving him knowledge of them." And "as it hath not one word which bars the Lords or Commons from conferring about them, so it plainly declares that Lords or Commons, in their several Houses, may equally treat among themselves of the dangers of the Kingdom, and of the way to remedy them."

At the Conference, they shew, "that the so called Indemnity of the Commons hath no word in it, that can be construed to make any Breach of their Privileges."

May 2. The Earl of Middlesex, under censure of the House, forbearing to sit, or send a Proxy, though having a Writ of Summons, petitions to be received again.

Two Messages to hasten the Supply are sent by the King; but the Commons disregard them.

May 5. The King, in Person, *dissolves* the Parliament.

His Majesty then publishes a Declaration of his Reasons for this Dissolution. Several Members of the Commons are convened before the Council, and committed to the Tower for refusing to answer Questions as to matters done in Parliament.

The Convocation, by his Majesty's command, continues to sit till the 29th of May. It makes 17 Canons. (i)

Sept. 24. A Great Council of Peers is held at York, in the Hall of the Deanery House, within the Close,

Chiefly on Scotch Affairs. The Council sits to the 18th October, when it is removed to London, and ends Oct. 28.

(h) The Archbishop of Canterbury's Diary, in Rushworth, II. 1085, says, "Tuesday, April 28, was the hot contestation in the Lords' House, which should have precedence, the King's Supply, or the Subjects' Grievances. Voted in the Upper House for the King." The Lords' Journals.

(i) The Message, says Clarendon, p. 45, was delivered about the 1st of May, and the next day it was resumed, about Nine o'clock in the Morning, and the Debate continued till Four in the Afternoon, which had been seldom used before, but afterwards grew into Custom.

Much discussion took place as to the legal continuance of the Convocation. It was argued, that both Assemblies ought to end together. On the other hand, it was said, that the Writ for calling the Convocation ran for their continuance "durante bene placito Regis." The Lawyers decided, "that the Convocation called by the King's Writ, was not to dissolve but by the King's Writ, notwithstanding the Dissolution." The Convocation sat for above a month, under the proper title of a Synod, made Canons, which it was thought it might do, gave Subsidies out of Parliament, and enjoined Oaths, which it certainly might not do. Clarendon, II. 49.

Several Peers, the City of London, and the Scots Commissioners, petition the King to call another Parliament. See the Petitions, Rushworth, II. 1260, Sept. 1640, and the King's Reasons, 1264. The King, however, summons only a great Assembly of Peers at York, a Convention in the nature of a Parliament. Clarendon calls this Council "a new invention, not before heard of, that is, so old, that it had not been practised in some hundreds of years." The Writ is given in Rushworth, II. 1256, and is precisely in the form of the ancient Parliamentary Writs. "Quia super quibusdam arduis et urgentissimis negotiis, nos et regni nostri statum Coronæque nostræ jura specialiter concernentibus vobiscum et cum aliis Prælati, Magnatibus et Proceribus Regni, &c. &c. Colloquium habere volumus et Tractatum, &c." The proceedings of the Council are also detailed at page 1275.

1640. **Nov. 3. (Tuesday.) A Parliament (The fifth, or Long)**
 A. R. 16 **meets at Westminster.**

Writs are directed to the Marquis of Winchester, Earl of Arundell and Surrey, (Earl Marshall), Earl Lindsey, (Great Chamberlain), Earl of Northumberland, (Great Admiral), the Earls of Shrewsbury, Kent, Derby, Worcester, Rutland, Cumberland, Sussex, Huntingdon, Bath, Southampton, Bedford, Pembroke and Montgomerie, (Chamberlain of the Household), Hertford, Essex, Lincoln, Nottingham, Suffolk, Exeter, Somerset, Bridgwater, Leicester, Northampton, Warwick, Devon, Cambridge, March, Carlisle, Denbigh, Bristol, Middlesex, Holland, Clare, Bolinbroke, Westmoreland, Manchester, (Keeper of the Privy Seal), Berkshire, Cleveland, Mulgrave, Danby, Monmouth, Marlborough, Rivers, Newcastle, Dover, Peterborough, Stanford, Kingston, Carnarvon, Newport, Chesterfield, Thanet, Portland, St. Alban, Strafford; *Viscounts* Mountagu, Purbeck, Say and Sele, Conway, Campden; *Barons* Moubray, (eldest son of the Earl of Arundell), Clifford, (eldest Son of the Earl of Cumberland), Nevill de Bergavenny, Tucket de Audley, Strange, (eldest Son of the Earl of Derby), Berkley de Berkley, Parker de Morley and Montegle, Sutton de Dudley, Stourton, Vaux de Harrowden, Windsore, Cromwell, Evere, Wharton, Willoughby de Parham, Paget, North, Gerard, Stanhope de Harrington, Arundell de Wardour, Kymboulton, (eldest Son of the Earl of Manchester), Fielding de Newnham-padox, (eldest Son of the Earl of Denbigh), Brooke, Mountague de Boughton, Grey de Warke, Deyncourt, Roberts de Truro, Craven, Fauconbergh, Lovelace, Poulet de Hinton St. George, Harvy de Kidbroke, Brudnell, Maynard, Coventrie, Howard de Eserick, Goring de Hurst Pierpont, Mohun, Savile de Pomfret, Dunsmore, Powys, Herbert de Cherbury, Cottington, Finche de Fordwiche, Bertie de Willoughby, (eldest Son of the Earl of Lindsey), Hastings, (eldest Son of the Earl of Huntingdon), Wentworth, (eldest Son of the Earl of Cleveland), Carey de Hunsdon, (eldest Son of the Earl of Dover), Howard de Charlton, (eldest Son of the Earl of Berke), Riche, (eldest Son of the Earl of Warwick), Pierpont, (eldest Son of the Earl of Kingston & Hull), St. John, (eldest Son of the Earl of Bolingbroke), Digby, (eldest Son of the Earl of Bristol), Darcie de Darcie et Conyers, Chivalers. (j)

(j) Clarendon's Hist. III. 56, &c. Dugdale. Parl. Hist. IX. X. XI. XII. XIII.

Besides the Peers summoned by these Writs, the list of the Peerage given in the Parl. Hist. IX. 1, includes the Duke of Buckingham, and the Earl of Anglesey, *infra* statem, and the Earls of Oxford, Banbury, and Winchester, making the total of Earls 63. Among the Barons are also included West Lord Delawar, Roper, Lord Roper, of Tenham, *infra* et, Leonard, Lord Dacres, Burges, Lord Chandos, of Sudeley, Petre, Lord Petre, of Writtle, Botiler, Lord Botiler, of Bremfield. Of the Barons, to which Dugdale's List extends, five are said, in the Parl. Hist., to have been created or advanced after the opening of the Parliament, and eight others are also named as so created and advanced, who are not included in the Summons of Dugdale. But the Peerage, at the opening of Parliament, would, in point of numbers, stand thus:—

| | |
|-------------------|----|
| Duke | 1 |
| Marquis | 1 |
| Earls | 63 |
| Viscounts | 5 |
| Archbishops | 2 |
| Bishops | 24 |
| Barons | 54 |

150

The Proceedings of this Parliament are here given at great length, as containing not only a record of the real and supposed Privileges and Rights of Parliament, but also the

The House of Commons consists of 480 Members for England, and 24 for Wales. Total, 504. 1640.

The King opens the Parliament, signifying his Reasons for calling it. The Lord Keeper, John Lord Finch, also speaks at length. A. N. 16

Nov. 5. The Commons present their Speaker, William Lenthall, Esq., of Lincoln's Inn. The King again makes a Speech.

Nov. 6. *Resolved*, A Petition for a Fast. Committees are appointed.

Ordered, A Warrant to issue to the Clerk of the Crown for a new Writ to the Sheriff of Cambridgeshire, &c., because no County Day did intervene between the receipt of the Writ and the day of appearance in Parliament.

Nov. 7. Mr. Pym divides the Grievances into four heads, as before, and places the main Cause of all Mischief in the Intermission of Parliaments, contrary to the Statute to be called once a Year.

The time of rising being come, and other Members appearing ready to continue the Debate, an Order is suddenly made, That the Door be shut, and none suffered to go out, (a very rare practice.) The Lords are advertised, that that House too may be kept from rising.

Nov. 9. A Report on Tewkesbury. Two contrary Indentures are returned.

Ordered, All four Persons to forbear to sit and the Bailiff to attend.

A day is appointed for receiving the Communion.

Resolved, Any Member of this House who is a Monopolist or Projector hath no power to sit here.

Nov. 10. Charles Longeville, Esq., Cousin and next Heir of Henry, Earl of Kent, Lord Hastings and Ruthin, deceased, claims the Titles of Lord Hastings and Ruthin.

consequences of an extension of those claims beyond the utmost limits prescribed by the Laws and Constitution of the Kingdom. The King's first and greatest error seems to have been permitting the invasion of his Prerogative by the Bill for the continuance of the present Parliament.

It was said of this Parliament, that "many thought it never would have a beginning, and afterwards, that it never would have an end." The Proceedings last through 30 years. But it was, in the mean time, dissolved by Cromwell, in 1653. Clarendon, speaking of the Rebellion as occasioned mainly by the proceedings of this Parliament, says, "the poor People, under pretence of zeal to Religion, Law, Liberty, and Parliaments, (words of precious esteem in their just signification,) are furiously hurried into actions introducing Atheism, and dissolving all the Elements of Christian Religion; cancelling all obligations, and destroying all foundations of Law and Liberty; and rendering, not only the Privileges, but the very being of Parliaments, desperate and impracticable."

See also, II. 54, Clarendon's opinion as to the calling of this Parliament.

Lord Bolingbroke (Idea of a Patriot King, p. 95) says, on the Proceedings of this period, "There are limitations that would destroy the essential form of Monarchy, or, in other words, a Monarchical Constitution may be changed, under pretence of limiting the Monarch. This happened among us in the last Century, when the vilest usurpation, and the most infamous tyranny, were established over our nation, by some of the worst, and some of the meanest men in it."

Tacitus, a profound Historian and accurate Philosopher, says, "Qui Imperium evertunt, Libertatem preferunt; quando perverterunt, Ipsam aggređiuntur," a truth developed by the whole History of Mankind.

Rushworth, II. 1335-6, gives the Addresses of the King.

A Volume was published in 1641, "containing the Speeches and Passages of this great and happy Parliament, from the 3rd of November, 1640, to this instant June, 1641, according to the most perfect originals, exactly published."

The King's Speech is omitted in the Lords' Journals, as, afterwards, frequently happened.

On the 6th of November, these Journals are subscribed, Examintur per nos, H. Bathon, Warwicke, Hen. Dover, Mowbray et Matravcrs; a practice which is frequently adopted in the subsequent Records.

1640.

A. R.

16

It is referred to the Committee of Privileges, and the Earl of Kent to have notice.

The Earl of Warwicke and Lord Brooke claim Privilege, having been searched for Papers by a Secretary of State's Warrant, after the Dissolution, and within the time of Privilege.

On this Subject, Sir W. Beecher, as a Clerk of his Majesty's Privy Council, and sworn to his Majesty's Service, refuses to answer without acquainting his Majesty.

He finally delivers the Search Warrants, and is committed to the Fleet.

A Conference is held thereon.

The *Commons Order*, That those who stand in the Passage shall pay 12*d.* to the Poor.

Nov. 11. The Lord Archbishop of Canterbury moves, "That this being the first day of the Adjournment of the Convocation from St. Paul's Church, in London, to the Abbey, in Westminster, and having no Prolocutor settled, without which the whole body will be void, and this day being a peremptory day appointed for that business, their Lordships will be pleased to spare him, and some four others of the Lords, the Bishops, from attending the Committee of both Houses, this Afternoon, but the rest of the Lords, the Bishops, to attend their Lordships at the Conference."

In the *Commons*, it is declared as a constant Rule, That if a Witness be brought, the House sitting, the Bar ought to be down, and otherwise, if the House is in Committee.

Resolved, A Message to be sent to the Lords, to accuse Thomas Lord Wentworth, Earl of Strafford, &c., of High Treason. (*k*)

The Lords sequester him and (finally) agree: (1) That a Committee be made of both Houses to examine Witnesses upon Oath. (2) That Privy Councillors be examined on oath upon matters passed at the Council Table.

Ordered, Mr. Speaker to be intreated to be here this Afternoon, to sit by at the Grand Committee, if there be cause to resume the House.

Ordered, Whosoever shall go out of the House before Mr. Speaker to pay 10*s.*, and the *Reporters* may go first to take their Places.

Nov. 12. Lord Viscount Stafford is introduced, and delivers his Patent.

The *Lords* move his Majesty touching the opening and clearing the Passage from Ireland to England, whereby the Subjects may have free Passage.

His Majesty gives Order, that it be done speedily and effectually.

Nov. 13. Report is made in the Lords of a Conference touching the Proceedings at Yorke, and of the Lords Commissioners with the Scottish Commissioners at Rippon.

In the *Commons*, *Ordered*, Sir G. Ratcliffe a Member of the Parliament in Ireland, because there is an Information of High Treason against him (as a Confederate of the Earl of Strafford) to be sent for, no Privilege extending to his Case.

Nov. 14. Report on Bossiny. Complaint against Mr. Coryton, the Mayor, and Sir Richard Buller, two Members, touching

(*k*) All the Proceedings in the Journals relative to Lord Strafford's Trial are obliterated, as by Order of the Lords, Tuesday, 5th of July, 1698; but they are printed in the Journal, from an authentic Copy interleafed in the original Journal, by Order of the House, 15th of February, 1708.

Blank Indentures for Returns of Burgesses, also, on undue Proceedings of Mr. Coryton, as Vice-Warden of the Stannaries, contrary to the Petition of Right. 1640.
A. R. 16

Nov. 16. Lord Willoughby of Eresby is introduced, and delivers his Writ (31 Oct., 16 Car.) He is placed next below Lord Strange, *Salvo Jure*. A Mistake in the Form of his Writ is referred to the Committee of Privileges.

In the *Commons*, A Member disobeying the House, being several times commanded to withdraw, is called to the Bar, and on his knees, submits to censure.

Nov. 17. The Fast is observed "very piously and devoutly." Dr. Burgess and Mr. Marshall preach before the Commons for at least seven hours; the Bishops of Carlisle and Durham, before the Lords.

Nov. 19. Resolved, The Election for Marlow is totally void, no due notice having been given to the Electors. *New Writs.*

Nov. 20. Lord Howard, of Charlton, is introduced on his Writ, and is placed next below Lord Montague.

The Lords consider the Heads for a Conference, touching the Commission for treating with the Scots, and how, speedily, to accommodate his Majesty's Army with a *Supply*.

Nov. 21. The Lord Hastings is introduced on his Writ, and is placed next below Lord Dover.

Upon desire of the House of Commons, and by consent of the Peers of this High Court of Parliament assembled, it is *Ordered*, in the *Lords*, "That for this time, and in this case, (the Earl of Strafford's Trial,) the Peers and Assistants shall be examined on Oath as Witnesses."

In the *Commons*, *Ordered*, The Members, when they attend the Communion To-morrow are to bring a Ticket with name and place, and deliver it to one of the Committee appointed. None to sit in that House, who do not take the Sacrament.

Nov. 25. Lord Wentworth is introduced, and delivers his Writ. He is placed next above Lord Wharton.

Nov. 26. Ordered, in the *Commons*, Neither Book nor Glove shall give any man title to any Place, if himself be absent at Prayers.

Resolved, upon Question, The Towns of Hunnington and Asperton, Devon, to be restored to their ancient Rights and Privileges, (21, 26 Edw. I.) of sending Burgesses.

Nov. 27. The Lord Hunsden is introduced on Writ, and is placed next below Lord Chandos.

Nov. 28. First Reading of an Act that the County Palatine of Durham shall have Knights, Citizens and Burgesses.

Ordered, If any one is chosen a Member of this House, and his Writ is not yet returned, he may, notwithstanding, be admitted to the Sacrament To-morrow, on delivering his Ticket, &c.

Nov. 30. Resolved, To move his Majesty to remove all Papists who are Commanders, &c., and to put Protestants in their places.

Dec. 1. (Tuesday) It is *Ordered*, in the *Lords*, "That such of the House of Commons as they shall make choice of, may be present, from time to time, at the taking of such preparatory Examinations as they shall desire, for perfecting the Charge against the Earl of Strafford."

In the *Commons*, *Ordered*, Mr. Rushworth's notes to be considered by the Committee, and Report to be made what are fit to be preserved. In the mean time, the Clerk and his Assistant

1640.

A. D.

16

to be enjoined that no Copies go forth of any Argument or Speech whatsoever.

On a Conference, the *Lords* Answer, That such Peers as shall be desired, shall be examined by themselves, and all Assistants of their House, when required, shall be examined upon oath, in presence of such Members as the Commons shall depute.

Dec. 4. The Houses approve of a Cessation of Arms, between the two Kingdoms, for a month longer.

In the *Commons*, *Ordered*, Whoever does not take his Place, or moves out of it, to the disturbance of the House, shall pay 12*d.*, to be divided between the Serjeant and the Poor, and whoever speaks loud, &c., the like.

Dec. 5. *Resolved* in the *Lords*, That the Lord General be desired by Message from this House, to remove all Commanders, &c. which are Papists, or suspected, and to put Protestant Officers in their Place; and his Majesty to be moved for it.

Motion is made for restoring Malton and Allerton, which formerly sent.

Dec. 7. *Resolved*, The Charge of Ship-Money is against the Law of the Realm, &c., and the Petition of Right.

Resolved, The Extra-judicial Opinions of the Judges published in the Star Chamber, &c. are the same.

Resolved, The Judgment against Mr. Hampden, &c., the same.

Dec. 8. *Report* is made on New Windsor. Question whether Election in the Inhabitants in general, or in the Mayor, Bailiffs and some few of the Town. The Place was incorporated by name of Mayor, Bailiffs and Burgesses, in Edw. 4. Sir Thomas Row and Mr. Waller are chosen by the Mayor and Special Officers. In Edw. 4 time, the Return was by Mayor, Bailiffs and Burgesses. In later time, by Mayor, Bailiffs and Commonalty. The Charter being an Incorporation of Inhabitants, they of right ought to choose and not the special men. *Resolved*, The Inhabitants of the Borough of Windsor have all generally Right to Election of Burgesses, &c.

Dec. 11. *Ordered*, The Towns of Malton and Allerton to be restored, &c.

Dec. 15. The *Lords* consider, whether the Lord Montague and other Lords Recusants being indicted for Recusancy during the sitting of Parliament, it is to be held as a Breach of Privilege.

An Order is made that the said Lords shall be allowed their Privilege and the Indictments be stopped during the continuance of the Parliament.

In the *Commons*, it is *Resolved*, The Clergy of England convened in any Convocation, Synod or otherwise, have no power to make any Constitutions, Canons, or Acts whatsoever in matter of Doctrine, Discipline or otherwise, &c., without common consent of Parliament.

Resolved, Those lately made, with the King's Licence, do not bind the Clergy, Laity, &c.

Dec. 16. The *Commons* farther *Resolve*, "That such Constitutions, &c., contain many matters contrary to the King's Prerogative, the fundamental Laws and Statutes of this Realm, the Rights of Parliaments and the Property and Liberty of the Subject, and are matters tending to Sedition and of dangerous consequence;" also, that the several Grants made by the Clergy in Convocations and Synods, are contrary to the Laws, and ought not to bind the Clergy."

Dec. 13. It is *Ordered* in the *Lords*, That the Order of the House be kept, that none but Earls and the Lords' Committees do sit at the Table in the Painted Chamber at a Conference, and that then, the Judges be not covered. 1640.
A. R. 16

A Committee of the *Commons* takes into consideration the Breaches of Privilege in the last Parliament, and that, 3 Car :

They accuse Laud, Archbishop of Canterbury, of High Treason; also, (Dec. 19), the Bishop of Ely, of Idolatry and Superstition; also, (Dec. 22), the Lord Keeper of High Treason, (who is sequestered Parliament), and Six of the Judges; also, (Dec. 24), the Bishop of Bath and Wells.

Dec. 21. In the *Commons*, the Lord Keeper desiring to be heard on certain complaints against him, is admitted, and addresses the House.

Ordered, That this Admission be not drawn into a Precedent for future times.

Resolved, That he be impeached, &c.

Dec. 22. The Lord Chief Justice Littleton, by the King's Commission, supplies the Speaker's Place in the Lords.

The *Lords* direct that Precedents shall be found of the manner of proceeding against Peers.

Dec. 23. In the *Commons*, two Subsidies (additional) are voted, to such uses as the House shall appoint, and to be received by Commissioners named by them.

Dec. 29. The *Lords Resolve*, That no Lord, who is a Material Witness, shall sit as a Judge in the same Cause.

Dec. 30. Mr. Vaughan, being of Counsel in a Cause depending in the House of Lords, before he was a Member of this Parliament, obtains Leave from the *Commons*, to be still of Counsel in the same Cause.

Dec. 31. It is *Ordered* in the *Lords*, That the former Order shall have full force, concerning Protestation upon Honour.

Ordered, The Dowagers and Widows of Recusant Lords, not convicted, shall have Privilege of Parliament.

Ordered, That every Lord do sit in his Place.

January 1. (Friday.) In the *Commons*, An Act for the County Palatine of Durham, &c., is read a second time and Committed. 1641.
A. R. 16

Jan. 5. The *Commons* declare a constant Rule, "That Mr. Speaker is not to go to his Chair, till there be at least Forty Members in the House."

Jan. 7. By Command of his Majesty, the Earl of Northumberland, General of the Army, reads a Letter from the North, on the Wants of the Army.

Jan. 11. The *Lords* consider a Bill concerning buying Places of Judicature, and receiving Pensions from Foreign States.

Jan. 12. The *Lords Resolve* to request his Majesty, That the Judges may have their Patent, "Quamdiu se bene gesserint," and not, "durante bene placito."

The *Commons Order*, That the Chairmen do set up Notes every day where the several Committees are to sit.

Jan. 13. Henry Pierpoint de Holme Pierpoint, Chivaler, is introduced on Writ, (11 Jan., 16 Car.), and is placed next above Lord Brudnell.

Jan. 14. His Majesty "graciously condescends" as to the Judges.

Jan. 15. The King claims the Baronies of Hastings and Ruthin.

Jan. 16. The King recommends the Anabaptists to the Justice of the Lords.

1641.

A. R.
16

The Lords direct Sir John Lenthall to take care that these Persons appear before their House on Monday.

Ordered, That Divine Service shall be performed as appointed by Acts of Parliament, and no Rites or Ceremonies other than those established by the Laws of the Land; and all such as disturb, &c., to be punished.

Jan. 18. *The Sectaries are admonished by the Lords, and are commanded to repair hereafter to their several Parish Churches, or be severely punished according to Law.*

Jan. 19. A Bill (read first Dec. 24) "For preventing Inconveniences by the long Intermission of Parliaments," is again read, and ordered by the Commons to be Ingrossed. On the next day it passes. (*l*)

Jan. 20. The Lords receive a Subsidy Bill and the Triennial Act, from the Commons.

They Resolve, That all Records of Ship Money shall be vacated.

Jan. 21. *The Commons* exclude four Members as Monopolists, and Order new Writs.

Jan. 23. In the *Lords*, Report is made on a Conference touching the Reprieve of Goodman, condemned for High Treason.

Jan. 25. The King addresses both Houses at Whitehall, "He foresees the great Inconveniences that may arise by the slow pace of this Parliament in those businesses that most import the welfare of this Kingdom, therefore lays before them the state of affairs, to quicken not to interrupt their Proceedings," &c. "Know that I shall readily concur with you to find out and reform all Innovations in Church and Commonwealth, and consequently, that all Courts of Justice shall be regulated according to Law; my intention being to reduce all matters of Religion and Government, to what they were in the purest times of Queen Elizabeth. Moreover, what Parts of my Revenue shall be found illegal or grievous, I shall willingly lay down, relying entirely on the Affection of my People."

"I must tell you, however, That I make a great difference betwixt Reformation and Alteration of Government; though I am for the first, I cannot give way to the latter. The Bishops may have overstretched their Power, which if you find, correct and reform the Abuse according to the wisdom of former times; and so far I am with you. Nay, farther, if you shall shew me that Bishops have some temporal Authority, inconvenient to the State and not necessary to the Church for the support of Episcopacy, I shall not be unwilling to persuade them to lay it down. Yet I cannot consent to the taking off their voice in Parliament, which they have enjoyed under so many of my Predecessors, even before the Conquest, and ever since; and which, I conceive, I am bound to maintain, as one of the Fundamental Institutions of this Kingdom."

"There is a Bill given in for frequent Parliaments. The thing I like, that is to have often Parliaments, but to give power to Sheriffs and Constables and I know not whom, to do my Office, that I cannot yield.

(*l*) The Bill of Subsidies, and that for Triennial Parliaments, are sent up to the Lords together. They both quickly pass, and are transmitted to the King. Clarendon, 111, 69, says the King made no pause in passing the Subsidy Bill, *himself not considering the consequence of it*, and none about him having the courage to represent it. From that time, all Money Bills were disposed of in the same manner.

See Parl. Hist. IX. 157, and Rushworth, II. 1341, &c., for Lord Digby's and Sir B. Rudyard's speeches on frequent (Triennial) Parliaments.

"But I am content you shall have an Act for this purpose, but so reformed, that it trench not upon my Honour, nor upon the inseparable Right of the Crown concerning Parliaments. I have commanded my learned Counsel to wait on you, my Lords, with such Propositions to this purpose, as I hope will give contentment; for I ingenuously confess, that frequent Parliaments are the best means to preserve that right understanding between me and my Subjects, which I so earnestly desire."

1641.

A. R.

16

Jan. 27. Robert Rich, de leez le Rich, Chivaler, is introduced on Writ, (26 Jan., 1641), and placed next above Lord Wharton.

Jan. 29. *Ordered in the Commons*, A Warrant for a new Writ for Sarum, instead of Mr. Herbert, Solicitor when returned, and now Attorney-General to his Majesty, and in that respect, *to sit as Assistant in the Lords' House*.

Jan. 30. Two Persons, who, "sitting the Parliament, have ploughed up a Warren of Lord Mounson, a Member, to the breach of the Privileges of this House," are sent for, by the Commons.

February 1. (*Monday*) The Judges give their unanimous opinion, concerning the Titles of the Baronies, Hastings and Ruthin, "That there cannot be a 'Possessio Fratrís' in point of Honour."

Resolved in the Lords, "No Peer of this Realm can drown or extinguish his Honour, but that it descend to his Descendants, neither by Surrender, Grant, Fine, nor any other Conveyance to the King."

Feb. 3. The Lords pass, with some Amendments, the Bill to prevent too long Intermission of Parliaments, and send it down to the Commons.

All the Bishops forbear to vote on the Earl of Strafford's Cause.

Feb. 4. The King declares, "That he reprieved Goodman, the Priest, as he is informed that neither Queen Elizabeth, nor his Father, did ever avow that, in their times, any Priest was executed for mere Religion, as in this particular Case. Yet, seeing he is so pressed by both Houses, he doth remit this case to them.

The Lords renew the Cessation of Arms with the Scots.

The *Commons Resolve*, That Seaford, having sent to three several Parliaments, in former times, shall be restored.

Francis Nevill, Esq., a Member, having after the last Dissolution, answered before the Council Board, against Members of the House, words spoken by them in Parliament, upon which they were committed to Prison; for his great offence and breach of Privilege, is committed to the Tower during pleasure. Sir W. Savill, for the same offence, is sent to the Fleet.

Feb. 5. The *Lords Resolve*, That Charles Longevile, Esq., shall be admitted to the Title of Lord de Grey, and his Majesty be informed thereof.

Feb. 9. The *Lords Resolve*, That the Judgment in Mr. Hampden's Case concerning Ship Money and the Extrajudicial Opinions of the Judges shall be vacated.

It is moved in the *Commons*, "Whoever shall call any Member to the Bar, upon unjust occasion, shall have a good Fine."

Feb. 10. Lord de Grey is introduced by Writ, (6 Feb. 16 Car.) The King is present.

It is *Ordered*, That the Lords employed by his Majesty con-

1641.

A. R.

16

cerning the Propositions, shall give this House an Account thereof.

Feb. 11. The *Commons Order*, That a Member of this House shall be permitted by the Benchers of the Middle Temple, to take the Oaths of Supremacy and Allegiance, and be dispensed with for keeping his vacations during Privilege of Parliament, and after the Parliament, shall do his Exercise, and not lose his Seniority.

Feb. 12. The Commons impeach Sir Robert Barclay, Knight, one of the Judges of the King's Bench.

Proclamation is made for Lord Finch's appearance, late Lord Keeper, to answer the Commons' Accusation of High Treason.

Feb. 13. The Lords' Amendments to the Triennial Bill are *Ordered* in the *Commons* to be Ingrossed, without Committal.

Feb. 15. The Bill is passed and carried up.

The *Commons Resolve*, That the Borough of Cockermouth shall be restored.

Resolved, A new Writ for Bossinny, and six days' notice to be given to the Electors, after the Precept is received.

Ordered, A Person to be sent for as a Delinquent, for speaking scandalous words against a Member.

Feb. 16. The Royal Assent is given to the Bill for Triennial Parliaments.

The Lords send a Message to the Commons, "They are so full of joy for his Majesty's gracious Answer to the Bill, they desire this House will join in expressing their most humble Thanks. They will intimate to his Majesty, that there may be Ringing of Bells and Bonfires through the whole City.

The Commons heartily accede. (m)

The Triennial Bill. "Whereas by the Laws and Statutes of this Realm, a Parliament ought to be holden at least once every year for the Redress of Grievances; but the appointment of the time and Place for the holding thereof hath always belonged, as it ought, to his Majesty, and his Royal Progenitors; and whereas, it is by experience found, that the not holding of Parliaments accordingly, hath produced sudden and great mischiefs

(m) This Triennial Act, "For preventing of Inconveniences happening by the long Intermission of Parliaments," Stat. V. 34—16 Car. c. 1—evidently had in view the Interval between the calling of Parliaments, rather than the duration of Parliaments themselves, though this made a part of the Statute. It warranted an Intermission of three years short of fifty days at least: nay, if strictly interpreted, an Intermission of Three entire years, since no new Parliament need be called till three years had expired from the last day of the last meeting. The Provisions of the Act do not, therefore, meet the requirements of the Preamble for the holding of a Parliament at least once a year. The duration of this Triennial Parliament might be only fifty days, or it might be less, by assent of his Majesty, and of both Houses in Parliament assembled, or it might be continued, by adjournments or prorogations, for Three years, but could not extend beyond this term.

Lord Digby, in his Speech, Rushworth, II. 1392, fully explains the meaning and intention of this Act. "Let no man object any derogation from the King's Prerogative. We do but present the Bill. It is to be made a Law by him. His honour, his power, will be as conspicuous in commanding at once that a Parliament shall assemble every third year, as in commanding a Parliament to be called this or that year. I doubt not but that glorious King Edward the Third, when he made those Laws for the yearly calling of a Parliament, did it with a right sense of his dignity and honour."

Clarendon, III. 93, says, "Since it was evident that great inconveniences had befallen the kingdom by the long intermission of these Conventions, and that that intermission could not have happened if there had not been some neglect of what had been settled by former Laws, there was some colour of reason for those Clauses, by which the Crown could in no case suffer but by its own defaults."

This Act was repealed, 16 Car. II., "as in derogation of his Majesty's just Rights and the Prerogative inherent to the Imperial Crown of this Realm for the calling and assembling of Parliaments, and as it might be an occasion of manifold mischiefs and inconveniences."

and inconveniences, In time to come, be it enacted, that the said Laws and Statutes shall be henceforward duly kept: That if a Parliament be not summoned and assembled before the 3d of Sept. in every *Third* year, then a Parliament shall assemble and be held on the 2d Monday in Nov. following: That if the Lord Chancellor shall fail to issue out Writs, pursuant to the directions of this Act, then the Peers of the Realm shall meet at the usual place, at the Old Palace of Westminster, and they or any twelve, or more, shall issue out Writs in the King's name: That in case of default by the Peers, the Sheriffs, Mayors, Bailiffs, &c., shall cause Elections to be made: And, in their default, the Freeholders, Citizens and Burgesses, shall proceed to the Election of Knights, Citizens and Burgesses, in such manner as if Writs of Summons had been duly issued: That no Parliament henceforth to be assembled, shall be dissolved or prorogued within 50 days after the time appointed for their meeting, nor adjourned but by consent of either House respectively, who may appoint each their Speaker.

Feb. 17. The *Lords* make an *Order* for the production of Papers concerning Foreign Nobility, and Baronets of Nova Scotia, to *debar them of any Place in this Kingdom.*

Feb. 19. The *Lords' Committees* are to consider the Institution and Power of the Star Chamber.

Feb. 20. The Lord Keeper Littleton is introduced on his Patent and Writ, (19 Feb., 16 Car.), as Baron of Mounslowe.

Feb. 22. Sir Francis Seymour, created Baron de Trowbridge, is introduced, and delivers his Patent and Writ, (19 Feb., 16 Car.) He is brought in by the Lord Great Chamberlain, and the Lord Mowbraye, deputed Lieutenant by the Earl Marshall, his Father, and placed lowermost on the Barons' Form.

It is *Moved*, That Lord Mowbraye shew by what Authority he is his Father's Lieutenant.

His Majesty approves the Resolutions the *Lords* have taken concerning Four Propositions from the States, and desires their Lordships to proceed in the Treaty.

Feb. 24. The King, without his Robes, comes very unexpectedly, to hear the Charge against the Earl of Strafford, and his Answer. The *Lords* are also unrobed.

Feb. 25. The Judges that go the Circuits are discharged from attendance at the *Lords' Committees.*

Feb. 26. Sir John Bankes, Lord Chief Justice of the Common Pleas, is made Speaker of the *Lords*, by Commission from the King, the Lord Keeper being sick.

The *Lords' Committee of Privileges* are *Ordered* to consider, Whether a Peer of this Realm shall be tried for his Life out of Parliament.

Feb. 29. The *Lords Order*, that the Records concerning Ship Money, &c., be vacated as against Magna Charta, and that this Order be entered in the Journals.

March 1. (Monday.) In the *Lords*, a Committee is appointed "against Innovations in Religion."

In the *Commons*, a division occurs of 190 against 139.

March 5. In the *Lords*, Lord Andover moves to abolish the Star Chamber.

March 9. It is *Moved*, in the *Lords*, "That the *Lords*, at Committees, do sit according to their Dignities, and the Order of the House."

March 10. The *Lords* make an Order against Printing unlicensed Books.

1641.
A. n.
16

1641.

A. R.

16

The *Commons Resolve*, upon Question, "That the Legislative and Judicial Power of the Bishops in the House of Peers in Parliament, is a great hindrance to the discharge of their Spiritual Functions, prejudicial to the Commonwealth, and fit to be taken away by Bill; and that a Bill be drawn accordingly."

March 11. The *Commons Resolve*, "That, for Bishops, or any other Clergymen whatsoever, to be in Commission of the Peace, to have any judicial power in the Star Chamber, or in any Civil Court, is a great hindrance, &c. &c."

March 12. The *Commons Order*, *Martial Law* to be set up, for Governing the King's Army in the North.

March 13. The Marquis of Huntley, being the King's Servant, is admitted to his Privilege.

The *Commons* acquaint the *Lords*, "That, if, at any time during the evidence on the Earl of Strafford's Trial, his Counsel shall interpose, the Members of this House appointed to manage the Evidence, must desist, because it will not become them to plead against Counsel."

March 17. The *Commons* ask a Conference on disbanding the new Irish Army, disarming English Recusants, and removing Papists from the King's Court.

The *Lords Agree* "to disarm and remove English Papists."

March 19. It is *Ordered*, in the *Lords*, that the Record be brought of the Trial of Peers, 4 Edw. III. and 1 Ric. II.

A Committee is to consider, "Whether the *Lords Bishops* and *Lords Temporal*, may give their Proxies in Cases of Blood."

March 20. The *Lords Order*, "That for this time, and in this case, (Earl of Strafford's) those *Lords* that have Proxies of absent *Lords*, shall make no use of them, saving to themselves, the Rights of Peers."

The *Bishops* declare, they likewise will not, at this time, make any Procurator for themselves, saving to themselves their Rights.

March 22. The *Commons Resolve*, "That for Bishops, &c., to have employments as Privy Councillors at the Council Table, is a great hindrance, &c. &c."

The Earl of Strafford's Trial commences in Westminster Hall.

March 23. Both Houses advise his Majesty to disband the new Irish Army.

1641.

A. R.

17

April 2. (Friday.) The *Lords* reverse the Sentence in the Star Chamber, against Lambert Osbaston, Clerk, and restore him to his Church Preferment; as also that of the Bishop of Lincoln.

April 6. The *Commons Resolve*, "That during this Session of Parliament, neither the King's Army, nor the Trained Bands of Yorkshire, shall advance, without special Order of his Majesty, by advice and consent of both Houses of Parliament."

April 10. The *Commons* consent to a Cessation of Arms with the Scots, for a month longer.

April 14. The Earl of Bristol, by Command, signifies his Majesty's desire, that the Scottish, English, and Irish Armies, may be disbanded, and all things put into a Settled Peace.

In the *Commons*, a Bill is read, for the Reformation of Disorders and Abuses in the Election of Knights, Citizens, and Burgesses of Parliament.

April 20. The *Commons* Report, that the Proceedings on Mr. Pryn's Case were illegal.

April 26. Mr. Hollis having said, "That some Propositions were dishonourable, and that this House hath not only enter-

tained them half-way, but *embraced them*," he is suspended the Commons' House during this Session of Parliament. 1641.

April 27. A Bill is brought in to fine the Members of the late Convocation. A. R. 17

May 1. (Saturday.) The Bill (called the Root and Branch Bill,) for restraining Bishops, and others in Holy Orders, from intermeddling in Secular Affairs, passes the *Commons*.

It is argued, "that THE PASSING OF THIS ACT IS THE ONLY EXPEDIENT TO PRESERVE THE CHURCH."

Mr. Hyde opposes it, "as changing the whole Frame and Constitution of the Kingdom, and of the Parliament itself. From the time Parliaments began, there had never been one Parliament, where the Bishops were not part of it. If they were taken out of the House, there would be but two Estates left. There was nobody left to represent the Clergy, and yet *they* must be bound by the determinations, &c."

Ordered, All Members of the Commons coming after Eight, shall pay 12*d.*, and if absent the whole day, 5*s.*, unless with License.

May 3. Great Multitudes of Citizens of London repairing to the Lords' House for an Answer to a Petition they had sent in, his Majesty requires both Houses to take some speedy Course to settle the Peace, and prevent these Tumults.

A Protestation, for the Defence of the Protestant Religion, is taken by the whole Commons' House, and sent up to the Lords. The names of those who take it are entered on the Journals.

May 4. The Lords approve, and take the Protestation.

May 5. The House of Commons send notice to the Lords of a Plot to dissatisfy the Army with the Parliament.

The *Commons Resolve*, "That if any Man whisper, or stir out of his Place, to the disturbance of the House, Mr. Speaker shall present his name, and the House shall proceed against him."

Ordered, That all Members in Town, and not sick, do appear To-morrow, at Eight, and their non-appearance shall be accounted a Contempt of the House, and no Member shall leave Town, without special License.

The King having (*May 3*) spoken in favour of the Earl of Strafford, the Commons insert a Clause in the Subsidy Bill, "That neither the passing of that Bill, nor any other, shall determine the Session of Parliament."

Ordered, That a Bill be prepared, "to declare and assure the Continuance of the present Parliament, from adjourning, proroguing, or dissolving, without consent of both Houses."

May 6. It is *Ordered*, in the Lords, "That all Ports of England be forthwith stopped, saving the Lord Admiral's Jurisdiction."

In the *Commons*, The Bill for the Continuance of the Parliament is twice read, and, P. M., being Reported, with Alterations and Amendments, is, again, twice read, and *Ordered* to be Ingressed.

May 7. The *Commons* pass the Bill, and send it up.

The *Lords* read and Commit the Bill.

May 8. The *Lords* having proposed an Amendment, "That the time should be limited and not left indefinite, and that Parliament should not be dissolved within Two Years, except by consent of both Houses, that time being sufficient to provide against any Accidents that were then apprehended," they, on representation, are induced to abandon it; and pass the Bill.

May 10. Certain Recusant Lords being willing to take the

1641.
A. D.
17

Protestation, so far as concerns the Civil Part of it, so that they might be dispensed with for the Matter of Religion which binds their Consciences, the Lords give way.

The Lord Marquis of Winchester, Earl Rivers, and Lord Audley, make Protestation accordingly.

The King, by Commission, gives his Royal Assent to the Bill for the Attainder of the Earl of Strafford, and to the "Act for preventing inconveniences which may happen by the untimely adjourning, proroguing, or dissolving of this present Parliament." (n)

In the Commons, Mr. Pym having acquainted the House, "That there were divers Informations given of desperate designs, both at home and abroad, against the Parliament, and the Peace of the Nation, and that the Persons engaged therein are under an Oath of Secrecy: That there is also an endeavour to disaffect the Army, not only against the Parliament's Proceedings, but to bring them up against the Parliament to overawe them: That there was also a design against the Tower, and endeavours used for the Earl of Strafford's escape: That these combinations at home have a correspondency with practice abroad;"

This day, all the Avenues to the Parliament House are searched, on the apprehension of a Plot.

The King writes for a Respite of Lord Strafford, which is refused.

May 11. The Lords name a Committee, to open all Foreign Letters.

May 12. The Lords pass the Subsidy Bill, for the further relief of his Majesty's Army, and the Northern Parts of the Kingdom.

Harwood and Drinkwater, for Contempt of the House of Lords,

(n) Stat. V. c. VII. p. 103. See the Act to prevent inconveniences which may happen by the untimely proroguing and dissolving the present Parliament. "Be it enacted and declared, &c., that the present Parliament shall not be dissolved unless it be by Act of Parliament to be passed for that purpose; nor shall be at any time or times during the continuance thereof prorogued or adjourned, unless by Act of Parliament, and the Houses shall not be adjourned unless by themselves, or by their own order." Rushworth, II. 1392.

See Parl. Hist. IX. 272, for observations on this assent of the King.

Together with the Bill of Attainder, says Clarendon, III. pp. 86-89, another Bill was passed by the King, of almost as fatal consequence to the King and Kingdom, as was that of the Earl. This motion, which was to remove the Landmarks, and to destroy the foundation of the Kingdom, met a universal reception and concurrence. A Committee was immediately appointed to prepare a Short Bill, which, in less than an hour, was brought into the House, twice read, and committed; an expedition scarce ever heard of before in Parliament. The next day it was engrossed, and carried up to the Lords.

After this Act, the Commons took much more upon them in point of their Privileges, than they had done, and more undervalued the concurrence of the Peers, though that Act neither added any thing to, nor extended their jurisdiction: which jurisdiction the wisdom of former times kept from being limited or defined, there being then no danger of excess; and it being much more agreeable to the nature of the Supreme Court, to have an unlimited Jurisdiction. But now, they called any power they pleased to assume, "a Branch of their Privilege;" and any opposing or questioning that power, "a Branch of their Privileges;" and they were the only proper Judges of their own Privileges.

On the 9th of May (Sunday), the King having many Scruples of Conscience concerning the Bill of Attainder, took the advice of his Privy Council, at Whitehall. See the opinions then advanced, Parl. Hist. IX. 271. But a Letter from the Earl of Strafford to the King, seems to have determined him. In this, the Earl says, "I do most humbly beseech your Majesty, in prevention of mistakes, which may happen by your refusal, to pass this Bill, and by this to remove (praised be God, I cannot say this accused, but I confess) this unfortunate thing, forth out of the way, towards that blessed Agreement which God, I trust, shall ever establish between you and your Subjects. Sir, my consent shall more acquit you herein to God, than all the world can do besides. To a willing man there is no injury done." On May 11th, the King, in a Letter by his own hand, earnestly desires a Respite for the Earl, but the Lords refuse to comply. On the following day (12th) the Earl is beheaded.

are sentenced to the Pillory, wearing a Paper on their Heads 1641.
 "For disobeying and using scornful Speeches against an Order of
 the Upper House of Parliament." A. B.
 17

May 13. The King attends, the Lords being in their Robes
 of State. He gives his Royal Assent to the Subsidy Bill and 2
 others.

May 14. Lord St. John, of Bletso, is introduced on Writ, and
 placed next below Lord Hunsden.

The Lords' House is called, from the youngest Baron upwards.

The Commons Order, That their House shall meet at Seven.

May 20. Edward Barlow, a Romish Catholic Priest, is appre-
 hended, and by the Lords committed to the Common Gaol of Lan-
 caster, with an Order to proceed against him at the next Assizes.

By desire of both Houses, the King gives the Lord Lieuten-
 ancy of Yorkshire to the Earl of Essex; for which the Lords
 return Thanks.

May 21. In the Commons, it is Ordered, That the Knights,
 Citizens and Burgesses do give an Account, with speed, of the
 names of such Popish Recusants as are in their several
 Counties.

Two Divisions occur of 53 against 48, and of 78 against 69.

Sir Edward Dering brings in a Bill, "For the utter abolish-
 ing of all Archbishops, Bishops, their Chancellors and Comis-
 saries; Deans, Deans and Chapters; Archdeacons, Prebendaries,
 Chanters, Canons, and all other their Under-Officers."

It is moved with great warmth, "That the Bill might not be
 read," "That it was against the Custom and Rule of the House
 that any Private Person should take upon him, without having
 first obtained the leave and direction of the House, to bring in
 a new Act, so much as to abrogate and abolish any old single
 Law; and therefore, that it was wonderful presumption in that
 gentleman, to bring in a Bill that overthrew and repealed so
 many Acts of Parliament, and changed and confounded the
 whole Frame of the Government of the Kingdom."

Other Members press that it may be read, which is done
 accordingly. No Question being put, the Bill is dropped.

May 24 and 25. The Lords Debate on the Bill for restraining
 Bishops, &c., from intermeddling in Secular Affairs.

They Resolve, (1) That the Archbishops and Bishops shall have
 suffrage and voice in the House of Peers in Parliament.

(2) That the Archbishops and Bishops shall not have suffrage
 and voice in the Court of Star Chamber, when they are called.

(3) That no Archbishop, or Bishop, or person in holy orders,
 shall be a Justice of the Peace.

(4) That no Archbishop, Bishop, nor other, &c., shall be of
 the Privy Council to the King, or to his Successors. (o)

They desire a Conference with the Commons on the Subject.

May 27. In the Commons, a Bill "for the Extirpation of Epis-
 copacy" is twice read and Committed to a Committee of the
 whole House.

Mr. Taylor, a Member, saying, "that the House had not his
 consent to pass the Bill of Attainder of the Earl of Strafford,
 for that it was to commit Murder with the Sword of Justice;"
 by a Resolution of the House, he is committed to the Tower,
 and declared incapable of ever being a Member of that House.

(o) See Parl. Hist. IX 294-327, for excellent Speeches by Bishop Williams and Lord
 Newark against the Bill.

1641.

A. R.

17

May 28. On the humble request of Lord Kymbolton, the Lords allow him to petition the House of Commons, concerning some Lands, with a Saving of the Privileges of the House, it being done with Leave first obtained.

It is *Ordered* by the *Lords*, That no Petition shall be received until the further pleasure of the House be delivered by *Order*, excepting only Publick Petitions, and such as concern the Privileges of this House, and the Peers and Members of Parliament.

In the *Commons*, the Committee on Episcopacy sits. *Mr. Hyde* is put in the Chair, "That he might not give them trouble by frequent Speaking, and so, too much obstruct the expediting of the Bill."

After a debate of Seven hours, it is *Resolved*, "That every day as soon as the House is resumed, the Chairman shall Report the several votes of that day, which the House shall determine before it rises." (p)

May 29. The *Commons* Report the National Debt to be £773,900.

June 2. (Wednesday.) The *Lords Order*, That the Committee for Petitions shall dismiss such as are proper to be relieved in *Courts of Justice*, and retain those that are without Remedy in any other Place, but in Parliament,

A Bill is brought in to the *Commons*, "FOR BETTER ENABLING MEMBERS OF PARLIAMENT TO DISCHARGE THEIR CONSCIENCES IN THE PROCEEDINGS OF PARLIAMENT."

On the Report of the Bill of Tonnage and Poundage, the *Commons Resolve*, "That this Grant of the Subsidy shall be to certain Commissioners, for the use of our Sovereign Lord, the King."

June 3. Report is made in the *Commons*, from a Conference with the *Lords* on the Bill for Restraint of Bishops, &c. "The *Lords* conceive that we understand not unlawfulness by any Law to have votes, but Convenience or Inconvenience. If we had thought it absolutely unlawful, we should not have excepted the University and such of the Nobility as happen to be in Holy Orders. For the Bishops' rights to vote in Parliament, they conceive, by Common and Statute Law and ancient Practice, there is no Question of it. For Inconvenience, they do not understand any such that might induce them to deprive the Bishops and their Successors of that Right. If there be inconvenience of which they know not yet, if we will shew it them, they will be willing to hear and take it into consideration. For their votes in the Star Chamber, Council Table, or any Secular Office, they fully consent to our desires. They except That of the Dean of

(p) Clarendon, III. 91, says on this Committee, "This determination was without any Precedent, and very prejudicial to the grave transaction of business: for besides that it was a prejudging the House in its judgment, who, upon report of the Committee, should have regard to the whole Bill in the amendments made by them, which they were precluded from, by having confirmed the several days' votes, it was so very late every day before the House was resumed, the Speaker commonly leaving the Chair about Nine o'Clock, and never resuming it till Four in the Afternoon, that it was very thin, they only, who prosecuted the Bill with impatience, remaining. The Chairman, however, gave some stop to their haste, for, besides that at the end of his Report every day to the House, before the House put the Question, he always enlarged himself against every one of them, and so spent much time. When they were in the heat and passion of the debate, they oftentimes were entangled in their Questions, so that when he reported to the House the work of the day, he did frequently report two or three votes directly contrary to each other, they had unawares run into. After near twenty days spent in this manner, they found themselves very little advanced towards a conclusion, and that they must review all they had done, and the King going to Scotland, they were forced to discontinue their beloved Bill, and let it rest, nor had they ever after the courage to resume the consideration of the Bill, till after the War was entered into."

Westminster, a Corporation confirmed by Act of Parliament, 1641.
 27 Eliz., and also That of Durham, Ely, and Hexham, to keep A. R.
 Courts Baron there, by their Stewards, and all other Courts, 17
 executed by Temporal Officers, which they conceive not to be
 contrary to the Bill.

A Committee is named to prepare Reasons in Answer.

June 4. The Commons' Committee Report Nine Reasons of Inconvenience in answer to the Lords. Of these, the Fifth states, "Because the Bishops, &c. hold their situations *but for their Lives, therefore, they are not fit to have Legislative Power over the Honours, Inheritances, Persons and Liberties of others.*" Again, "Because the 24 Bishops have dependency on the two Archbishops, and because of their Oath of Canonical Obedience to them." (q)

June 5. The Marquis of Hertford is introduced, and delivers his Patent of Creation, (3 Junii, 1641, 17 Car.) He is placed next below the Marquis of Winton.

June 7. It is *Ordered and Declared* in the Lords, "That the reading of formal Speeches and Answers out of Papers in this House, is no Parliamentary way."

The House is called, and Lists are made of those absent.

The Commons Order, "That where any man is sent for here as a Delinquent, and afterwards, by Order of this House, is bailed, he shall, in this case, have no Privilege for discharge of Arrests in other Suits."

June 8. In the Lords, the Act for Restraining Bishops, &c., is read a third time. It is *Resolved*, by the Major Part, *that it shall not pass.*

The Commons pass an Act, "for regulating the Council Table, and taking away the Court, commonly called the Star Chamber."

June 9. In the Commons, Mr. Price and Sir W. Widdrington having, last night, "taken away the Candles from the Serjeant violently, when there was no general command in the House for bringing the Candles in, but a great sense of the House went for Rising, it being so very late: It is *Resolved*, by 183 against 172, "That for their offence, they be sent to the Tower, during pleasure." Mr. Speaker pronounces sentence against them, kneeling at the Bar.

Lord Digby, eldest son of the Earl of Bristol, on account of a Speech, is expelled the Commons' House, "as unworthy any longer to continue a Member of it."

June 10. Lord George Digby is introduced into the Lords' House by Writ, "(9 June, 17 Car.), and placed next below Lord Brooke. He is added to all the Standing Committees.

Order is made in the Lords, as to the Multitude of Protections, which is complained of as a Grievance.

June 11. Three Bills are read a first time in the Lords. (1) For Repeal of the Statute, 1 Eliz., concerning Commissions for Causes Ecclesiastical, (High Commission Court.) (2) For abolishing the Star Chamber. (3) Against Romish Recusants.

The Commons Order, A Report from "the Committee for lessening Committees.

(q) This first objection, if it vindicates the Authority and Jurisdiction of the Temporal Peers, wholly destroys the foundation on which Representation in the House of Commons is built. It is strange that the Commons could not perceive, that, on this argument, their own tenure must be still more objectionable, as, individually, they might have a much shorter claim for the exercise of their Legislative Power over the Honours, Inheritances, Persons and Liberties of others.

1611.

A. B.

17

Mr. Waller opposes the Bill against Episcopacy. "I see some are moved, by a number of hands, *against* the Bishops, which I confess rather inclines me towards them; for I look upon Episcopacy as a counterscarp or outwork, which if it be taken by this Assault of the People, and we must deny them nothing when they ask it thus in Troops, we may in the next place, have as hard a task to defend our Property. If by multiplying hands and Petitions, they prevail for an equality in things Ecclesiastical, the next demand may be *Lex Agraria*, the like equality in things Temporal.

"The Roman Story tells us that when the People began to flock about the Senate, and were more curious to direct and know what was done, than to obey, their *Legem rogare* grew quickly to be a *Legem ferre*; and when their Legions found that they could make a Dictator, they never suffered the Senate to have a voice any more in such Election.

"If these great Innovations proceed, I shall expect a flat and level in learning too, as well as in Church preferments. Youth, the Season when learning is got, is not without Ambition; nor will take pains to excel in any thing, when there is not some hope of excelling others in reward and dignity. I am confident, that, whenever an equal division of Lands and Goods shall be devised, there will be as many places in Scripture found out, which seem to favour that measure, as are now alleged against the Prelacy, or Preferment in the Church. This and that poor man may have suffered by the Bishops, but you may have a thousand instances where poor men have received hard measure from their Landlords, and of worldly goods abused to the injury of others, and the disadvantage of the owners."

Sir B. Rudyard. "Certainly, Sir, this superintendency of eminent men, Bishops over divers Churches, is the most primitive, the most spreading, the most lasting government of the Church. Wherefore, while we are earnest to take away innovations, let us beware that we bring not in the greatest innovation that ever was in England. Let us very well bethink ourselves, whether a popular democratical government of the Church, though fit for other places, will be either suitable or acceptable to a Royal Monarchical Government of the State. Every man can say, it is so common and known a truth, that sudden and great changes both in natural and politic bodies have dangerous operations. And give me leave to say, that we cannot presently see to the end of such a consequence, especially in so great a kingdom as this, and where Episcopacy is so wrapped and involved in the Laws and Life of it." (r)

June 12. The Lords agree in a vote of the Commons, That the Canons made in the Synod of 1640, are Illegal.

Hall, Bishop of Exeter, defends the Convocation that made them.

June 14. In the Commons, it is Ordered, That the Deans and Chapters of all Cathedrals, be required to suffer the Inhabitants to have free liberty for a Sermon to be preached in the Cathedrals, every Sunday Afternoon.

Resolved, The Lords shall be taxed for their Lands and Goods, promiscuously, as the rest of the Kingdom, and not in a Sum certain.

June 15. The Commons Resolve, That all Deans, Deans and

(r) Rushworth, II. 1345.

Chapters, Archdeacons, Prebendaries, Chanters, Canons, Petty 1641.
Canons and their Officers, shall be utterly abolished, &c." A. R.

Resolved, That the Funds taken by this Bill, shall be employed 17
to the advancement of Learning and Piety, &c., and that a compe-
tent maintenance shall be made to the several persons concerned,
if such appear not Peccant and Delinquents, to this House.

Sir Benjamin Rudyard, Speaking against the Bill, says, "One
thing doth exceedingly trouble me, that so many do now believe,
against the wisdom of all ages, that there can be no Reformation
without Destruction; as if every sick body must be knocked on
the head, as past hope of cure.

"Bishops have governed the Church for 1500 years without
interruption; and no man will say but, that God hath saved
Souls in all those times, under their Government. Let them be
reduced according to the usage of ancient Churches in the best
times. I love not those that hate to be reformed; and do there-
fore think them worthy of the more strict, the more close
Reformation. If either in Bishopricks or Cathedral Churches,
there be too much, some may be pared off, to relieve them that
have too little: If yet more may be spared, it may be employed
to the setting up of a preaching Ministry, through the whole
Kingdom. Until this be done, although we are Christians, we
are not a Christian State. There are places in England which
are not in Christendom, the People are so ignorant, they live so
without God in the world; for which, Parliaments are to answer
both to God and man.

"Let us beware that we do not look with a worldly, carnal
evil eye upon Church Lands. Church Lands will still be fittest
to maintain Church men, by a proportionable and orderly Dis-
tribution. We are very strict and curious to uphold *our own*
Property; and there is great reason for it. *Are the Clergy only,*
a sort of men who have no Property at all in what is called theirs?
I am sure they are Englishmen, they are Subjects.

"The next way to bring in Barbarism, is to make the Clergy an
unlearned contemptible vocation, not to be desired but by the
basest of the People. Where, *then*, shall we find men able to
convince an adversary?

"A Clergyman ought to have a far greater proportion to live
upon, than any other man of an equal condition. He is not bred
to multiply Three-pences. It becomes him not to live mechan-
ically and sordidly. He must be given to Hospitality. I do
myself know a Clergyman, no Dignitary, whose Books have cost
him £1000, which, when he dies, may be worth, to his wife and
children, about £200.

"For my part, I think nothing too much, nothing too good, for
a good Minister, a good Clergyman. They ought least to want,
who best know how to abound. Burning and Shining Lights do
well deserve to be set in good Candlesticks. I am as much for
Reformation, for purging and maintaining Religion, as any
man: but I profess I am not for Innovation, Demolition, nor
Abolition."

June 17. The Commons pass a Bill, "for granting to the King
a Subsidy of Tonnage and Poundage, and other Sums payable
upon Merchandize imported or exported. (s)

(s) The Preamble "Renounces and declares, not only against any power in the Crown
of levying the Duty on Tonnage and Poundage without the express consent of Par-
liament, but also any power of Imposition upon any Merchandizes whatsoever, and in
any case whatsoever;" "though," says Clarendon, III. p. 87, "practised in the best

1641.
A. D.
17

June 18. The Lords' House is called. The Journals are revised by certain examining Lords.

The Commons Resolve upon a Poll Tax, and make a List of the Sums to be paid by all Individuals, severally.

June 19. In the Commons a Bill against Pluralities and Non-Residence passes. It provides, "That whoever has Two Livings, shall before the 21st of September, resign one of them; and that, if any Clergyman be absent at one time, 60 days, from his Living, he shall, ipso facto, forfeit it."

Divisions take place of 126 against 112; of 136 against 131; of 166 against 123.

June 21. The Lords pass the Bill of Tonnage and Poundage; and appoint a Committee to move the King to give it his Royal Assent.

In the Afternoon, his Majesty comes to the House and takes his Chair, the Lords being in their Robes. The Commons, by Mr. Speaker, present the Bill. The King gives his Royal Assent to it, saying, "I give over that Right which my Predecessors have ever esteemed their own, though, I confess, disputed, yet so as it was never yielded by any of them. Therefore, you must understand this as a mark of my confidence in you, thus to put myself wholly upon the Love and Affection of my People for my Subsistence. I leave you with the assurance that I never had other design, but to win the Affections of my People by the Justice of my Government."

June 24. In a Conference, the Commons bring forward Ten Propositions to be presented to his Majesty, on the State of the Kingdom.

The Commons Order, "That all Letters of the West, Inward and Outward, be opened and read by the Lords."

Mr. Waller moves "That the House may be kept sweet and clean." The Serjeant is required to take care accordingly.

June 26. The Commons Resolve, That the Lords be moved to desire his Majesty to declare by Proclamation, that those who disobey the Lord General, or their Officers, in disbanding the Army, shall be punished severely, as in contempt of the King and Parliament.

Ordered, "To inquire what Pensions are allowed for seducing the Children of Protestants, to the Catholic Faith; what, for maintenance of Catholic Seminaries beyond Sea; and what for maintenance of Priests within the Kingdom."

June 28. The Commons Resolve on the Monies' Bill, "That the Bishops be charged to as high a Rate as on the last Subsidy."

June 29. The Lords agree to join the Commons, in petitioning his Majesty to stay his Journey into Scotland, till the 10th of August.

On desire of both Houses, the Scots' Commissioners "will deal with the Parliament of Scotland, to adjourn till the 5th of August, that his Majesty's journey may be stayed."

July 1. (Thursday.) The Lords Order, "When a Preparation and Ground is Resolved in this House, for a Conference, no Lord is to speak contrary to what is the general sense of this House."

Ordered, "That a stay be made of all Process for Reliefs, and Respite of Homage, against the Peers of this Realm, until Cause be heard and determined in the Lords' House of Parliament."

times by the Crown, having the countenance of a solemn Judgment in the Exchequer Chamber, and having been often agitated in Parliament, but never yet been declared against."

July 2. The Lords Agree to the Commons' Bill for Poll Money, with a salvo, "for preserving the Privileges of the Peers of this Realm, for rating and taxing themselves in Subsidies, by Members of this House, in time of Parliament." 1641. A. N. 17

A Bill passes the Lords, for the Speedy Provision of Money, for disbanding the Armies, and settling the Peace of the two Kingdoms of England and Scotland.

The Lords ask a Conference, "That both Houses may petition his Majesty, that Titles of Honour may not be bought and sold for Money; but that they may be conferred, as anciently, for Virtue and Merit," and that a Bill to this effect may begin from the first day of this Parliament.

The Act for regulating the Council Board, and taking away the Star Chamber and High Commission Court, passes the Lords, by the Major part.

The Commons debate on the subject of Rating the Peers towards the Poll Tax.

Articles are read against the Judges.

July 3. The King comes to the House, and gives his Royal Assent to the Poll Bill. "Le Roy remerçant ses bons Subjects, accepte leur Benevolence, et ainsi le veut."

In the Commons, the Bill "to discharge the Consciences of Members" is read a Second time and Committed.

July 5. The King gives his Royal Assent to the Bills "for taking away the Star Chamber and High Commission Court." "Le Roy le veut."

July 6. In regard of the multitude of Petitions depending, the Lords Order, "That no more Private Petitions be received."

P. M. At a Conference, the Commons accuse Six Judges and the Lord Chief Justice of the King's Bench.

The Commons adopt Resolutions on the Breaches of Privilege, 3 Car. (†)

A Motion is refused, "That a Member, at his own request, may decline his Election, and a new Burgess be chosen in his stead."

July 9. The Commons Resolve,

(1) That all Lands, Possessions, and Right of all Deans, and Deans and Chapters, shall by this Bill be committed to the hands of Feoffees, to be nominated in the Bill.

(2) That all the Lands and Possessions of all the Archbishopricks and Bishopricks of England and Wales, except the Impropriations and Advowsons, shall be given to the King.

(3) That all the Impropriations and Advowsons, &c., shall be committed into the hands of Feoffees, as the Lands of Deans and Chapters.

July 10. It is Resolved, in the Commons, "That a competent Maintenance shall be allotted out of the Lands, &c., of the Cathedral Churches, for a fit number of Preaching Ministers, for the service of every Church, and a proportionable allowance for the reparation of the said Churches;" also, "That such Ecclesiastical Power as shall be exercised for the Government of the Church, shall be transferred into the hands of Commissioners to be named in the Act."

July 12. Thomas Payne, an Attorney, who told the Earl of Thanet, "It was false and a Lye," is committed to the Custody of the Gentleman Usher, &c.

(†) Rushworth, I. App. 56.

1641.

A. D.

17

A Bill of Tonnage and Poundage passes the *Lords*.

Report is made to the *Lords* of his Majesty's Answer respecting "Ill Counsellors." "His Majesty knows of no Ill Counsellors; which should both satisfy and be believed, *He having granted all hitherto demanded by Parliament*; nor doth he expect that any should be so unadvised, as, by *Slanders* or any other ways, to deter any that He trusts in Publick Affairs, from giving him free Counsel, especially, since *Freedom of Speech is always demanded, and never refused to Parliaments*." The King explains, that by *Slander*, He does not mean it of either House of Parliament, or any Member thereof.

In the *Commons*, it is *Ordered*, "That in all Parochial Churches of England and Wales, where there is on the Lord's Day no Preaching in the Afternoon, if the Parishioners will maintain a Conformable Lecturer at their own charge, the Parson or Vicar shall give way, unless the Parson will preach himself."

July 13. The *Lords Resolve*, That the Commission and Instructions of the "Court of York," are illegal in the Creation and Execution.

The Speech of Lord Digby, on passing the Bill of Attainder against the Earl of Strafford, having been printed and published, It is *Resolved*, in the *Commons*, "That the publishing that Speech by Lord Digby, after a Vote passed in this House on the said Bill, is scandalous to the Proceedings of this House, and a Crime."

Ordered, The Book to be burnt by the common Hangman.

Ordered, No Member of this House shall either give a Copy, or publish in print any thing that he shall speak here, without leave of the House.

A Division takes place, Yeas 114, Noes 128.

Resolved, To move the *Lords* to petition his Majesty to forbear to confer any Honour or Employment on Lord Digby, who has deserved so ill of Parliament.

July 15. The *Lords* pass an Act for Confirmation of the Subsidies granted by the Clergy. The Confirmation, subscribed by the Clerk of Parliament, "*Soit baille aux Communs*," is sent down to the House of Commons.

The King, at the *Lords'* request, having consented to receive Committees of both Houses touching the Queen's Journey, who, if he pleased, was to be present, appoints Four o'clock this day, in the Banqueting House, Whitehall.

July 17. The Queen answers the Petition of both Houses, that she would not go out of the Kingdom, "Nothing but her health would make her resolve of this Journey." She finally (21) resolves to stay.

July 19. Hawell, a Warden of the Tower, being arrested, desires Privilege as the King's Servant. The *Lords* refer it to a Committee.

The Gentleman Usher is, by *Order*, to take care that no People are admitted into the *Lords'* House, Morning or Afternoon, before the House sits.

July 20. The *Commons* add Five Propositions to their Former Ten. The *Lords* approve them, and the King (finally) assents.

Ordered, All that are gone out of the House in *this disorder*, to pay 2s. a piece to the Poor, and certain Members to go up to the Painted Chamber to take the names of such as had gone thither, and would not come in on Summons.

The *Commons* send up an Impeachment against the Bishop of Ely, and a Declaration against Inigo Jones, for pulling down St. Gregory's Church, near St. Paul's.

July 21. The *Lords* appoint a Committee to consider of a better Maintenance for the *Puny Judges*. 1641.

His Majesty consents to Five of the Propositions.

A. R.

17

The *Lords Order*, at the desire of the *Commons*, "That this House shall not Resolve of any Recess, unless there be two days' warning to debate it, and it be moved in the Morning, so that there be a full House, and that before a Recess be resolved on, there be a Conference with the House of Commons."

Ordered, That the Dean and Prebendaries of Durham, on sight of this Order, do forthwith present Peter Smart, M.A., Senior Prebendary of Durham, according to custom of the said Church, unto the Vicarage of Aycliff, &c. &c., and restore him to the Fourth Prebend of Durham.

July 22. *Ordered*, All Members are enjoined "to deliver out no Copy or Notes of any thing in the House propounded or agitated."

Ordered, All Stationers and Printers, and others, to take the names of Persons bringing any thing to be printed, sold, or uttered, and of the Authors.

Ordered, That they be ready, from time to time, to give account of such Persons, or be subject to the same Penalty as the Authors.

July 23. The *Commons* desire the *Lords* to join in desiring the City of London to make them a Loan of £40,000, besides the £13,000 lately received.

July 24. In the *Commons*, a Bill is twice read and committed, concerning Printing, Importing, and Allowing Books.

Resolved, "Mr. Henry Percy and others did conspire to draw the Army, and employ it against the Parliament, by force and dread to compel the said Parliament (of March and April last) to agree to certain Propositions, and to hinder and interrupt the Proceedings, &c."

July 26. The *Commons Order*, That no Publick Bill shall pass but between the hours of Nine and Twelve, and that if any man move the Members contrary, he shall incur the Censure of the House.

July 27. The *Lords* read a Bill twice, For preventing vexatious Proceedings touching Knighthood. It passes on the 31st.

The King sends a Message concerning a Regency during his Absence in Scotland.

An Act passes the *Commons*, declaring the late Proceedings touching Shipmoney, to be unlawful and void.

July 29. The *Lords reject* a Bill, "For securing the true Religion, the safety and honour of his Majesty's Person, the just Rights of the Subject, and the better discovery and Punishment of Popish Recusants."

The *Commons Resolve*, "To desire the *Lords* to join in a Petition to his Majesty, that he will be pleased to grant a Commission to One or more Persons, as Custos Regni or Locum Tenens, during his Absence, and especially to grant a Power to give the Royal Assent in Parliament, and do such other things as the King might do in Parliament, such Commission not to determine till his Majesty's return to the Cities of London or Westminster, or he be present in Parliament."

July 30. The *Commons Resolve*, "That whatsoever Person shall not take the Protestation, is unfit to bear office in Church or Commonwealth."

Resolved, That a Bill be brought in, "That no man who will not take the Oath of Allegiance and Supremacy, shall give a Vote

1641.
A. R.
17

in any Parliament in England, in matter of Religion and Church Government."

August 2. (Monday.) The Lord Keeper of the Great Seal, Speaker, takes the Protestation.

The Lords desiring a Conference, the Commons answer, "That whereas this House hath received a Message from your Lordships for a present Conference, without any expression of the subject or matter of that Conference, which is contrary to the constant course of either House, therefore, this House cannot yield to a present Conference."

On a Second Message from the Lords, the Commons agree.

At the Conference, two Questions are propounded by the Lords.

(1) Whether a Printed Paper, touching the Protestation, be the Votes of the House of Commons?

(2) Whether it was printed by their Commands as expressed in the Paper?

Aug. 3. The Lords receive for Answer, "That for the printed Paper, it appeareth, that it is entered, in terminis, in their Journal Book, and by this, their intent was to discover what their opinion was of such as should refuse to take the Protestation, as a Shibboleth to discover true Israelites: That they Resolved the votes to be printed; and the printed Paper delivered at the Conference, they do avow, allow and justify."

August 4. A Letter sent from the Speaker of the House of Lords in Ireland to the Speaker of the House of Lords in England, is conceived, by the Lords, to intrench upon the Jurisdiction and Privileges of this House. By Order, a Committee is to shew it to the King, and desire he will be pleased to stay the Acts of Grace, &c., until this matter be determined in this House.

A Committee is appointed to search for Records and Precedents concerning "Ireland's Dependency on this Kingdom."

The House is called, and the Absent Lords are Ordered to pay 20s. to the Poor Box.

The Commons, by a Message, impeach the 13 Bishops who made the Canons, &c.

The Lords Resolve, That a Parliamentary Power by Commission to do such things (in the King's Absence) as should be thought fit by the Parliament, is preferable to a Commission given to a Custos Regni.

Aug. 5. Lady Margaret Wooton, Baroness of Marleigh, complains of an Indictment and Conviction of Recusancy prosecuted against her, contrary to the Privilege of Parliament.

Ordered, A Certiorari to return the Indictment into this House, and a Writ of Error to reverse the Conviction.

Aug. 6. The Lords Order the Warden of the Fleet to be freed from Actions for false Imprisonment, being only a Minister to obey what was enjoined him.

The Lords send in Proposals for a Limitation of the Power of the Custos.

A Committee of the Commons Reports, "That it was the ancient and constant Course, from and in all times, to have a Locum Tenens, in the King's Absence, Parliament sitting, not limited to any particular matter."

Aug. 7. Lord Capell is introduced, and delivers his Patent and Writ, (6 Aug., 17 Car.) He is placed by the Lord Great Chamberlain and by Garter, next below Lord Bruce.

Ordered, This House joins with the House of Commons in disbanding the King's Horse, forthwith. 1641.

Report is made on the Judges' opinions concerning the Custos Regni, and the Commission to pass Bills in the King's Absence. A. R. 17

(1) Concerning the Custos Regni, they know not how to deliver any opinion, it being of so high a consequence.

(2) But, concerning the Commission, they hold it to be good, if fortified and backed by an Act of Parliament.

P. M. The King being present, gives his Royal Assent to Four Publick Bills, (including that against Ship Money), "*Le Roy le veut*;" and to Seven Private Bills: "*Soit fait comme il est désiré*." He then bids his Parliament, Farewell.

The Lords join the Commons to move the King to stay his Journey to Scotland for 14 days.

The Commons *Resolve*, That this House shall sit To-morrow, being Sunday, at 8 o'clock, and that the Reasons shall be entered on the Clerk's Book. The Lords consent to the same.

It is *Ordered*, That all Members do repair hither with all possible speed; that this Order be printed and sent to all the Returning Officers in the Kingdom, and that a Call of the House be made on the 17th.

Aug. 8. (Sunday, "*Die Dominico*.") At Six, A. M., the Commons go down to St. Margaret's Church, and hear Prayers and a Sermon. They return to the House at 9. It is *Ordered*, "That this House shall enter into consideration of no business whatsoever, upon this day, but such as shall immediately concern the good and advancement of Religion and the Safety of the Kingdom."

P. M. The Commons agree to a Declaration proposed by the Lords of Reasons for sitting To-day, namely, "inevitable necessity, the Peace and Safety both of Church and State, so deeply concerned."

The Lord Keeper delivers to the King, from the House of Commons, Four Reasons for deferring his Journey.

A Message is sent to the Minister, "In regard the House, by reason of their many occasions, cannot hear a Sermon at this time, he is thanked for his Patience, and discharged."

Aug. 9. Lord James, Duke of Richmond, is introduced, and delivers his Patent and Writ, (8 Aug., 17 Car.), which last alone is Read.

Henry Mildemay, Knight, claims the Title and Dignity of the Lord Fitzwater.

It is signified to the Lords, That the King hath given order to his Attorney-General to prepare a Commission to pass such Bills, and do such things, in his Majesty's absence, as have been communicated to the House of Commons.

In the Lords, an Act (after three Readings this day) passes, authorizing certain Commissioners named by his Majesty, to give his Majesty's Royal Assent to certain Bills mentioned in the Commission of this Act.

Sir Robert Wiseman is brought to the Bar, "for miscarrying himself towards a Peer," and is committed to the Gatehouse.

A Standing Order is made, "for avoiding of all Mistakes, Unkindnesses or other differences in this House, which may grow to Quarrels," &c.

Aug. 10. The Commons return back to the Lords the Act of Commission as being too limited, &c.

The Lords *Declare and Vote*, That it is the certain and undoubted Right of this House to choose their Speaker, and the Speaker

1641.

A. D.

17

is not to depart, when this House sits, without Leave of the House. This is to be added to the Standing Orders, and Read at the beginning of every Parliament.

The Lords pass a Bill of Tonnage and Poundage.

Aug. 11. The *Lords Resolve* (with the Commons), That all the Foot and Train of Artillery of his Majesty's Army, shall be forthwith disbanded, as well as the Horse.

Aug. 14. John Banks, Speaker of the Lords' House, sends a Letter to the Lord General, in the name of the House.

The Commons, by Message, desire, That a competent number of Lords may be kept together in this House till the Armies are disbanded, and the necessary defence of the Kingdom is settled.

Aug. 16. The Bill of Tonnage and Poundage is passed, by Commission.

The General Pardon is, by his Majesty, left behind, sealed.

Aug. 17. The *Lords Resolve*, That the Lords' Bishops impeached, may sit in the House, without voting, when it is in Debate, "Whether they shall have further time to answer or not."

In the *Commons*, Report is made on the Heads for a Conference. The Conviction of divers Recusants, it is said, had been hindered under pretence of Privilege of Parliament from the Lords, and the opinion of this House is, That no Privilege ought to be allowed in this Case; (1) Privilege of Parliament is not to be allowed in case of Peace, if the Peace be required. (2) It is not to be allowed against any Indictments for any thing done out of Parliament. (3) It is not to be allowed in case of Publick Service for the Commonwealth, for that it must not be used for danger of the Commonwealth. (4) It is in the power of Parliament, and doth not bind the Parliament itself, so that their Lordships may withdraw their own Privilege as they see Cause, &c.

Aug. 19. In the *Commons, Resolved*, Mr. Rushworth, Clerks' Assistant, to go Post to York, forthwith, to carry the Order of both Houses, to the Lord General, for disbanding the Horse and King's Army.

Aug. 20. Both Houses appoint Six Commissioners to attend the King, in Scotland.

Aug. 21. The Lords allow Privilege to Lady Wotton, a Recusant, till further orders.

Aug. 24. In the *Commons*, certain Authors and Printers are sent for as Delinquents, for publishing, against an Order of the House, inhibiting, "*The Printing any thing concerning the Proceedings of the House*," Papers and Books offensive to the Parliament. A Committee of Inquiry is appointed, "to take some course for preventing the inordinate licence of Printing."

Aug. 25. It is *Ordered* in the *Lords*, That the Temporalities of the Bishop of St. David's be seized, till he appears in Parliament.

Aug. 27. The *Lords Order*, "A Thanksgiving for the Peace between England and Scotland."

A Conference is held concerning a Recess. The Commons state as Reasons, "That the Scottish Army is gone, the King's is almost disbanded, and the Plague is increasing in London and Westminster."

The Lords agree to a Recess from the 8th of Sept. to the 20th October, provided, &c.

Aug. 28. Order is made in the *Lords*, for securing the Tower of London. 1641.

Aug. 30. The *Lords* make an Ordinance for disarming Recusants. A. R. 17

Aug. 31. On a Message from the *Lords*, the *Commons* take exception, "That they sent but one Messenger, whereas the ancient Right of this House was to have Two upon all occasions. The House is, however, willing at this time, to pass it over."

September 6. (Monday.) The *Commons* divide, 70 against 60.

Sept. 7. Both Houses keep the Day of Thanksgiving for the Peace with great Solemnity, the *Lords*, at the Abbey Church, the *Commons*, at the Chapel in *Lincoln's-Inn*, "because the Bishop of Lincoln had framed a set form of Prayer to be used in St. Margaret's, where the House of *Commons* were wont to meet, which they conceive the Bishop had no Power to do."

Sept. 8. The *Lords* make an Order, "To prevent Superstition and Innovations in the Church."

Sept. 9. The *Lords* appoint a Committee to meet during the Recess, to receive Letters and give Answers, &c.

Six Peers enter a Protest upon the Journals against an Order of the *Lords*, relating to Divine Service, "because the Concurrence of the *Commons* had not been asked or obtained, before the printing and publishing of the same." (u)

The *Lords* Resolve to publish their Resolutions, and then to have Conference with the *Commons*.

October 20. (Wednesday.) Both Houses meet according to Adjournment.

The *Lords* Order, That the Lord Chamberlain do continue a Guard of Soldiers to guard the Parliament Houses.

An Order is made against the great abuse of Printing and Publishing Pamphlets.

An Order is also made for keeping the Doors of the House against all but Members, during this time of Visitation.

In the *Commons*, a Bill is twice read, committed, and next day Ingrossed, "for disenabling all Persons in Holy Orders to exercise any Temporal Jurisdiction or Authority," It passes on the 23d.

Oct. 21. The *Lords* make an Order against certain Persons who had erected a Printing Press in an obscure Place in Holborn.

Oct. 22. The Thirteen Bishops, "who had made the Book of Canons, and granted a Benevolence to the King, contrary to Law," are ordered to put in their Answers on the 10th Nov., and have Counsel assigned to them.

Oct. 25. A Conference is held on the Insolencies of the Soldiers.

Thanks are given to the Earl of Holiland, late Lord General of his Majesty's Armies in the North.

The *Lords* appoint a Committee to consider the King's Chaplains, the Privileges of Noblemen, the Heads of Colleges in the two Universities, and to take care that every Parson or Vicar who

(u) Said by the Parl. Hist. IX. 494, to be the first of the kind met with. That it was an ancient custom in the *Lords*, appears, however, from Mr. Hyde's Speech, on the 24th of November following.

Clarendon says, III. 93, "Towards the latter end of August, both Houses adjourn, having first constituted a Committee to sit during the Recess, for the dispatch of any important occurrences, and qualifying them with a power they could not deputy; such a Committee, and such a qualification having never before been heard of in Parliaments." These Powers of both Committees are given, IV. 96. Mr. Pym is appointed Chairman of the *Commons'* Committee.

1641.

A. B.

17

is absent, shall provide an able Curate, allowing him a Moiety of his Living, clear of all charges, to be nominated by the Parson, with consent of the Patron.

In the *Commons*, Report is made on the Bill, "*For Members better to discharge their Consciences as to the Proceedings of Parliament.*"

Oct. 26. The King, by Letter, excuses his delay in returning, on Account of his Affairs.

The Lord Privy Seal is appointed Speaker in the Lord Keeper's Absence.

Oct. 27. In the *Commons*, the Committee for Protections is Ordered to draw a Bill concerning the Privilege of Parliament, in point of Protections.

Report is made as to the Heads for a Conference on excluding the 13 Bishops from their votes, and *all other Bishops from their votes in Parliament.*

(1) Because *they have no such inherent Vote, Right, nor Liberty of being there, AS THE LORDS TEMPORAL AND PEERS OF THE REALM HAVE*; for they are not Representatives of any body else: not of the Clergy, for then these are twice represented, by them in the Lords' House, and by those in the Convocation House. The Writ is to elect Two Clerks, ad consentiendum, &c.: Besides none are there Representatives of others but those that have their Suffrages from others, and therefore the Clerks in the Convocation do represent the Clergy.

(2) They have not *THE INHERENT RIGHTS OF PEERAGE AS THE LORDS HAVE*, because, in some things, they cannot do that there which the Lords may do. In matter of blood, they have not liberty to be there, which could not be taken by any Canon, if their Rights were inherent.

(3) If they were Representatives of the Clergy, as a Third Estate and Degree which is there, no Acts of Parliament could be good, if they did wholly disassent, and it appears they have disassented, as in the Act for the Book of Common Prayer, in Queen Elizabeth's time; and yet the Act is good, which could not be if they were a Third Estate.

(4) The King may hold his Parliaments without calling the Bishops at all, which hath been adjudged by all the Judges of England, 7 Hen. 8, 25, 35 Edw. 1. — Edw. 3, 3, 7 Rich. 2.

Oct. 28. At the Conference, the above Propositions are brought forward.

It is Ordered in the *Commons*, "Because many and important businesses do yet remain unsettled, Committees for Private affairs are not to sit without a new Order from the Houses, and no Parties or Witnesses are to attend; whereof notice to the whole Kingdom is to be published in Print."

Oct. 29. The *Commons Resolve* on a Conference, to desire the Lords to join in Petitioning his Majesty to stay the making of Five Bishops, till further consideration by both Houses.

In a Division, the Yeas are 71, Noes 53.

November 1. (Monday.) The Lord Keeper acquaints the Lords with the discovery of the Rebellion in Ireland.

A Committee is appointed to open all Letters from Ireland.

The *Commons* make Orders as to Strangers, on the intelligence of the design of the Irish Papists to cut off all Protestants and seize the King's Forts in Ireland.

Nov. 2. Phillips, a Priest, a Servant to the Queen, is committed to the Tower for contempt of the Lords' House, he

having said, "HE WAS NOT BOUND BY HIS OATH, BECAUSE THE BIBLE ON WHICH HE WAS SWORN, WAS NOT A TRUE BIBLE." 1641.
A. D. 17

In the *Commons*, a Member having granted Protections to divers, not his menial Servants, it is *Resolved*, "That he is unworthy and unfit to be a Member of this House; and that he shall sit no longer, nor be a Member hereafter."

Nov. 3. In the *Commons*, Report is made on the Borough of Gatton. Mr. Sandys and Mr. Sanders are returned by Two Indentures. Mr. Sanders had 14 voices, Mr. Sandys, 8. Of the 14, 8 are dwellers out of the Town, and one of them is a Minister. Of Mr. Sandys, one was a Recusant Convict, and one the Clerk of the Parish, with yearly wages from the Parish. If these two have no voices, the voices are equal. The Question is, whether the Election belongs to the Burgesses by Common Right, or that the Freeholders dwelling out of Town, having Freeholds in the Town, ought to have voices by a particular Prescription. The Committee think there was a Prescription in this Case, which was good against Common Right.

By Record, 33 Hen 8, a Return was made by one Inhabitant; and 1 and 6 Edw. 6, Returns were made by the Inhabitants and Burgesses. But, 18 Jac., a Precedent appeared on behalf of the Freeholders. (2) Whether the Parson shall have voice, that cannot sit here, if chosen. (3) Whether, by Law, a Popish Recusant ought to have voice. (4) Whether one that receives Alms of the Parish shall have voice. (5) Whether the Clerk, who receives 50s. per annum of the Parish, is one that lives of Alms.

Resolved, upon Question, There is no sufficient proof of a Prescription against the Common Right within the Borough. The Parish Clerk does not appear to be an Almsman. Mr. Sanders' Election is not good. Mr. Sands' Election is good, and he ought to sit.

Nov. 9. The *Lords* Order the Laws to be put in execution against Romish Recusants.

By Order of the *Commons*, the Lords make stay of all Letters from France and Antwerp, and peruse them in presence of Committees of both Houses.

Nov. 11. The *Lords Resolve*, "nemine contradicente," That it belongs to the House of Peers, by the ancient Laws and Constitution of the Kingdom, to interpret Acts of Parliament, in time of Parliament, in any Cause that shall be brought before them.

A Letter received from the Council in Ireland declares, "That the Protestants will be utterly destroyed, and that Kingdom cut off from the Crown of England, if speedy supplies are not sent. The Rebels, to the number of 30,000, have seized much Property, and murdered many, threatening not to leave an English Protestant alive, unless an Act be passed for Freedom of their Religion."

Nov. 13. In the *Commons*, a Bill is twice Read and Committed, "To restrain Privilege of Parliament, in some Cases, during this Session." It passes on the 23d, and is sent to the Lords.

Nov. 15. The City of London petitions the Lords, on the Abuse of Protections.

Complaint is made of "Leycester's Commonwealth," a libellous Book.

Beale, a Taylor, makes relation of a dangerous Plot against

1641.
A. D.
17

the Parliament, implicating some Lords and Members of the House of Commons.

The *Commons* make an Ordinance to put the Trained Bands into a readiness and posture of defence, on all occasions. A Guard is appointed to attend the House.

Nov. 16. The *Lords* make an Order to search the Earl of Worcester's House.

They *Order*, That when Committees return any Examinations, they shall return the Interrogatories upon which the Witnesses were examined.

Nov. 17. The *Commons Order* the Serjeant to desire the Gentlemen Members to take their Places when they come into the House, and not to stop up the Passage, in time of Prayers.

Nov. 22. In the *Commons*, great Debates take place concerning "a Remonstrance on the State of the Kingdom."

Sir Edward Dering speaks against it.

"I do beseech you all, with the fervour of an earnest heart, a heart almost divided between hopes and fears, never to suffer diversion or diminutions of the Rents we have for Learning and Religion; but besides the Pulpit, let us maintain a universal Militia of Theology, whereby we may be always ready and able, (by strength of our own, within our own happy Island, at home,) to stop the mouth of all Heresies that can arise. Never, never, let it be said, that sacred Learning, (for such is that I plead for,) shall in one essential half thereof, be quite unprovided for in England. And because, I shall want Champions for true Religion; because I neither look for cure of our Complaints from the common People, nor do desire to be cured by them; because it is not true that the Bishops have commanded Idolatry: because I do not know any necessary good end and use of this Declaration, but do fear a bad one; and because we pass his Majesty, and do remonstrate to the People; I do here discharge my Vote with a clear conscience, and must say, No, to this strange Remonstrance."

The Debate lasts from 9, A. M., till near 2 o'clock on the following morning, when the Question is carried Affirmatively, by a Majority of Eleven, 159 against 146.

It is *Moved*, "That there may be an Order entered for the present Printing of it," without the concurrence of the Peers.

Mr. Hyde, "believes the Printing of it in that manner is not lawful, and he fears it will produce mischievous effects. He, therefore, desires, that if the Question be carried in the Affirmative, he may have liberty to enter his Protestation."

Many other Members Protest, and the business is adjourned to the next day, at 2 o'clock. (v)

Nov. 24. In the *Commons*, the Committee for Printing, is to consider a course to prevent inordinate Printing, and to make severe examples of the Printers.

Nov. 25. During two days, warm Debates take place concerning Protestations.

Mr. Pym. "A Protestation had never before been offered in that House, and was a transgression that ought to be severely examined, that mischief might not result hereafter from that Precedent."

(v) *Oliver Cromwell* declared, "That had the Remonstrance been Rejected, he would have said all he had next morning, and never have seen England more. He knew there were many other honest men of the same Resolution." So near, says *Clarendon*, was the poor Kingdom at that time to its deliverance.

Others say, "That it would unavoidably produce mischief if the custom or liberty of it were ever admitted; that it was the first time it had ever been admitted in that House, and that care ought to be taken that it should be the last, by the severe judgment of the House upon those Persons who had begun the Presumption."

A. D.
17

Mr. Hyde "was not old enough to know the ancient Customs of that House, but he well knew it was a very ancient Custom in the House of Peers, &c.; He did not understand why a Commoner should not have the same liberty if he desired not to be involved in any vote, which he thought might possibly be inconvenient to him; He had only desired leave to protest against the printing the Remonstrance, which he thought was not in many respects lawful for them to do, and might prove pernicious to the publick peace."

Mr. Palmer having, also, cried out, "I do protest," is called upon to explain.

Mr. Hyde. It is against the orders and practice of the House that any man should be called upon to explain for any thing he said in the House two days before, and there was no Precedent.

After many hours debate, It is Ordered, by 169 to 128, That he be committed to the Tower." His *Expulsion* is rejected by 163 to 131.

The Remonstrance is ordered to be printed. (10)

Nov. 26. The Speaker is sent for by the King. The Lords allow the Lord Keeper to go, and appoint the Lord Chief Justice of the Common Pleas, pro temp. The Lord Keeper returns and sits as Speaker. He signifies that his Majesty will soon come to the House, and that he wishes the Guard may be dismissed, as he hopes his Presence will be a sufficient Protection to the Parliament.

The Lord Chamberlain delivers up his Command to the King, as Captain General of the South Parts of the Kingdom.

The Lords join the Commons in petitioning for a Continuance of the Guards.

Nov. 30. The Commons, by the King's desire, give their Reasons for wishing a Guard. "They conceive there is just cause to apprehend some wicked and mischievous Practice to interrupt the peaceable Proceedings of Parliament, and humbly leave it to his Majesty to consider, whether it will not be fit to suffer his High Court of Parliament to enjoy the Privilege of

(10) Upon these Proceedings, Clarendon remarks, IV. 105, "I know not how those men have already answered it to their own Consciences; or how they will answer it to him that can discern their Consciences; who having assumed their Country's Trust, and it may be with great earnestness procured that Trust, by their *supine laziness, negligence, and absence*, were the first inlets to these inundations, and so contributed to those Licenses which have overwhelmed us. For by this means, a handful of men, much inferior in the beginning in number and interest, came to give Laws to the major part; and to shew, that three diligent persons are really a greater and more significant number than ten unconcerned. They, by Plurality of Voices, in the end converted or reduced the whole body to their Opinions. It is true, men of activity and faction, in any design, have many advantages, that a composed and settled Council, though industrious enough, usually have not, and some, that gallant men cannot give themselves leave to entertain. For, besides their thorough considering and forming their Counsels before they execute them, they contract a habit of ill nature and disingenuity, necessary to their affairs, and the temper of those upon whom they are to work, that liberal minded men would not persuade themselves to entertain, even for the prevention of all the mischief the others intend. And whosoever observes the ill Acts by which these men used to prevail upon the people in general, their absurd, ridiculous lying to win the affections and corrupt the understandings of the weak, and the bold scandals to confirm the wilful, the boundless Promises they presented to the ambitious, and their gross, sycophant Flatteries and Applications to the vulgar spirited, would hardly give himself leave to use those weapons for the preservation of the three Kingdoms."

1641.

A. R.

17

providing for their own Safety, which was never denied to other inferior Courts."

In the past Month, the Divisions in the *Commons* have been of 151 against 110; of 124 against 99; 167, 123; 161, 147; 159, 148; and 124 against 101.

December 1. (Wednesday.) The *Commons* present their Declaration and Remonstrance to the King, at Hampton Court.

A Conference is held as to the tumultuous gatherings of people about the Houses. It is stated, (1) If these disorders continue, they may render *the good Acts and Provisions of this Parliament of suspicion to Posterity.* (2) It does not stand with the dignity of Parliament to suffer such tumult near the House.

Dec 2. The King attends the Parliament, and passes the Bill for Tonnage and Poundage, the old Bill having expired Yesterday.

Dec. 3. The Lord Privy Seal is appointed Speaker, the Lord Keeper being absent from ill health.

Dec. 4. The Lord Chief Justice of the Common Pleas is appointed Speaker.

Dec. 6. In the *Commons*, a Committee is appointed to present some course against abuses in Elections of Members, and to consider the Election at Arundell.

Dec. 7. A Bill is read for making a Lord General of all the Forces, and a Lord High Admiral of England.

Exceptions are taken against Mr. Coke for the misalleging of Precedents. He is admonished by the Speaker, That he should take care hereafter, *how he did allege or apply Precedents in this House.*

Ordered. The House to take into consideration, on Thursday, words spoken by Members of this House, to which, *formerly*, exceptions have been taken.

On another Question, the House divides, Yeas 125, Noes 158.

Dec. 8. The Irish Rebels having presented a Remonstrance for Peace, on the Terms, "That they should have the free exercise of their Religion, and that all Laws to the contrary should be repealed," the Lords and Commons *Resolve*, "*That they never will give consent to any Toleration of the Popish Religion in Ireland, or in any other of his Majesty's Dominions.*"

In the *Commons*, Sir Benj Rudyard speaks against the Demand. "I could have wished that Toleration in Religion had not, at this time, come in question. Now that it is brought on the Stage, I am brought to the Stake. When Religion is so nearly concerned, I love not to take any civil or political respects into consideration.

"I have long been of opinion, that our attempts and assistance have so often miscarried, because we have not boldly, and publicly, *avowed our Religion.* Shall the *Irish* now make their Religion the Cause of their Rebellion, and shall *we* be ashamed or afraid to maintain *our Religion* in reducing them to their duty, or their obedience? God will not honour them, who do not honour him.

"When we deny the Irish a Toleration, we do not withdraw the ease and favours they have heretofore enjoyed; *greater, I am sure, than they would afford us, if we were in their power.* Wherefore, Mr. Speaker, let us uphold our Religion, and trust God with the success."

Dec. 9. In the *Commons*, the National Debt is reported to be £504,044 4s. 5d.

Four Members are expelled the House, for Misprision of 1641.
 Treason, in the Army Plot.

Dec. 10. In the Commons, it is *Ordered*, Whereas the House of Commons has received information that Letters of Peers of the Realm have been directed to Boroughs that now are to make Election in Parliament, of Members to serve in the Parliament, all Letters of that nature do necessarily extend to violation of the Privileges of Parliament and freedom of Election: notwithstanding such Letters, all Persons to whom such Elections belong, ought to proceed with that freedom which by the Laws of the Realm they ought to do, and if any such Letters hereafter be sent them, the Parties receiving should certify the same, or bring them to the Speaker. The Knights, Citizens and Burgesses, and Barons of Cinque Ports, to send Copies of this Order to the Counties, Boroughs and Cinque Ports.

A. B.
 17

Declared as a Fundamental Order, That the Clerk, the sworn officer, and intrusted with the Entries and Custody of the Records of the House, ought not to suffer any Journal or Record to be taken from the Table, or out of his Custody, and if he shall hereafter do it after this warning, at his Peril he shall do it.

Resolved, upon Question, The setting of any Guards about this House, without the consent of this House, is a breach of Privilege, and such Guards to be discharged.

Dec. 14. The Commons desire the Lords to join in a Petition to the King, against Toleration of the Romish Religion in England and Ireland.

The King comes to the House and speaks on the subject of Ireland, and of a Bill depending "for the Pressing of Soldiers;" in which, it is declared, "*That the King had, in no case, nor upon any occasion, but the Invasion of a Foreign Power, authority to press the free-born Subject; that being inconsistent with the freedom and liberty of the Person.*"

The Lords conceive, "that the fundamental Privileges of Parliament have been broken, by the King's notice of the Debate in this House, concerning the Pressing of Soldiers."

On a Conference, it is Reported as being against the Indemnity of the Lords and Commons, 9 Hen. 4.

Lord Pierpoint saying, "It was not honourable for this House to be in such a Noise and Tumult," but professing he did not speak the words to give offence to the House, it is, nevertheless, *Ordered*, That he be committed to the Custody of the Gentleman Usher, &c. He is, next day, discharged.

In the Commons, upon Questions of the Execution of several Priests, Divisions take place of 68 against 77; 82 against 68, and 74 against 73.

Dec. 16. Both Houses (after long debates) agree in these Resolutions, "It is their opinion, that the Privileges of Parliament were broken, *First*, By his Majesty's taking notice of the Bill for pressing, it being in agitation in both Houses, and not agreed on. *Secondly*, In that his Majesty should propound a Limitation and provisional Clause to be added to the Bill, before it was presented to him by the consent of both Houses. *Thirdly*, That his Majesty did express his displeasure against some Persons, for matters moved or debated in Parliament, during the debate and preparation of that Bill. *Fourthly*, That a declaratory Protestation be entered into, by both Houses, for the Claim of these Privileges and Liberties, and that a Petitionary

1641.

A. D.

17

Remonstrance be drawn up, and presented to his Majesty about them." (x)

The *Lords Order* S. Hector to be attached "*for Printing the Proceedings of Parliament.*"

Dec. 17. The *Lords Order* a Declaration "That no Religion shall be tolerated, but what is established by Law."

Dec. 18. On the request of both Houses, the King agrees to a Fast, or day of Humiliation *for the Miseries of Ireland.*

Dec. 20. The Earl of Salisbury has Leave from the Lords to prosecute some business depending in the House of Commons.

The King, at Whitehall, answers the Petition and Remonstrance.

The *Commons Resolve* to print their Petitions, &c.

The King also publishes his Answer, and a Declaration, wherein he says: "For the preserving the Peace and safety of the Kingdom from the designs of the Popish party, we have and will still concur with all the just desires of our People in a Parliamentary way; for the depriving of the Bishops of their vote in Parliament, we would have you consider, that that right is grounded upon the fundamental Law of the Kingdom, and Constitution of Parliament. This we would have you consider; but since you desire our concurrence herein, in a Parliamentary way, we will give no further answer at this time. For any legal innovations that may have crept in, we shall willingly concur in the removal of them. If our Parliament shall advise us to call a National Synod, which may duly examine such ceremonies as give just cause of offence to any, we shall take it into consideration, and apply ourself to give due satisfaction therein; but we are very sorry to hear, in such general terms, corruption in Religion objected; since we are persuaded in our conscience, that no Church can be found upon Earth, that professeth the true Religion with more purity of doctrine than the Church of England doth; nor where the Government and discipline are jointly more beautified, and free from superstition, than as they are here established by Law; which, by the grace of God, we will with constancy maintain, while we live, in their purity and glory; not only against all invasions of Popery, but also from the irreverence of those many Schismatics and Separatists, wherewith of late, this Kingdom and this City abounds, to the great dishonor and hazard both of Church and State; for the suppression of whom, we require your timely and active assistance. We have already given you sufficient testimony, that there is no man so near unto us in Place or affection, whom we will not leave to the justice of the Law, if you shall bring a particular charge and sufficient proofs against him; and of this we do again assure you; but, in the mean time, we wish you to forbear such general aspersions as may reflect upon all our Council, since you name none in particular."

The *Commons* pass a Bill, "For the relief of Poor distressed Protestants driven out of Ireland by the Rebel Papists."

It is *Resolved*, upon Question, "*In no case, a Protestation ought to be desired by any Member of this House, or be admitted by this House, if desired.*"

Dec. 21. The *Commons* send up Propositions concerning the Parliament of Ireland, That it be prorogued or adjourned, &c.

The *Lords* receive a Petition from the Lords and Gentlemen

(x) Clarendon, IV, 207.

of Ireland, now in London, shewing "the universal desolation in all parts of the Kingdom, made in Plantations of British Settlers, wheresoever the barbarous Irish Rebels have come, to the utter destruction of the Persons there inhabiting, and to the extirpating of the Reformed Protestant Religion, there set up, through the Royal care and piety of King James and his present Majesty, and preserved, by the great industry and pious endeavours of near forty years travail, by those who have spent their whole lives in reducing that Kingdom to Civility, which is now so utterly desolated by Proceedings so matchlessly cruel, that no age, nor story, can parallel their Inhumanities, &c., &c. Thousands of bleeding Protestant Souls have long languished in expectation of Aid from this Kingdom, &c."

1641.

A. N.

17

At a Conference, the Lords propose their vote, that 10,000 English Soldiers, in addition to as many Scots, are necessary, to suppress the Rebellion in Ireland.

The Commons answer, "It is not the course of Parliament, nor hath been practised, for one House to capitulate with the other; that their actions are free, as without conditions, so without Capitulation, and they desire it may be so no more."

The Lords Resolve, nem con., "That the above Forces shall be sent into Ireland."

Dec. 23. The Lords refuse to join the Commons in a Petition for the Removal of the Lieutenant of the Tower, and the appointment of Sir John Conyers, "*As they will not meddle with the Prerogative.*"

The Commons send up their Reasons, and the Lords put off their Debate. Twenty-Two Peers protest against this Decision.

The Commons Order, Thanks to be given to Mr. Calamy and Mr. Marshall for their Sermons yesterday, (Fast Day) at St. Margaret's, Westminster, and vote them each a Piece of Plate of £20.

Dec. 24. The Lords join the Commons in a Petition for a Monthly Fast.

The Bishops represent by Petition, "That their Bishopricks are freed, by Letters Patent, from paying any Tenths, but they have paid £60 Poll Money, and have deposited other monies for payment, according to a proportion of Double Tenths."

The Lords Order re-payment to be made of all above the £60.

Dec. 27. Riots and Tumults increasing about the Doors of the Parliament, the Lords send the Gentleman Usher with a Message to the People, "The House dislikes their coming in multitudes, and commands them to be gone. If they have received injury or hurt from any body and will represent the names, their Lordships will see Justice done them."

The Lords desire a Conference with the Commons, and that they would for the dignity of Parliament, join them in a Declaration for the suppressing these Tumults.

This is reported to the Commons, and as soon laid aside, "*For the handling of other Matters of more importance.*"

The Lords again ask a Conference, that the Commons may join with them in a Declaration against the increasing insolence and assaults of the mob.

The Conference is refused, and several Speeches are made in justification of the populace. "*They must not discourage their Friends. They must at this time make use of all their Friends.*" Mr. Pymme says, "*God forbid the House of Commons should proceed in any way to dishearten people to obtain their just desires in such a way.*"

1641.

A. N.

17

The Lords having directed "a Writ to issue to appoint watches to hinder the unlawful conflux of People to the disturbance of their consultations," the House of Commons discharges the Constables. (y)

Dec. 28. The *Lords Resolve*, upon Question, "That this Parliament is, at the present, a Free Parliament."

Dec. 29. The *Judges Report*, That the best way to suppress the Tumults, is by 13 Hen. 4, c. 7.

The *Commons* agree to the Proposition for preventing Tumults by all good and lawful ways, but refuse the Declaration. They agree to a Guard, if commanded by the Earl of Essex.

The *Lords Order* the Under Sheriff and two Justices to attend the House, to suppress the Riots.

The *Commons* desire Right against Lord Digby, who had said, "The House of Commons have invaded the Privileges of the Lords' House, and the Liberty of the Subject, and that this was no free Parliament."

The *Lords Order*, That none, but Members, do wear any weapons, near the Houses of Parliament.

They join in a Petition for a Guard under the Earl of Essex.

Dec. 30. The Bishops "*called by his Majesty's Writs to attend in Parliament*," present a Petition and Remonstrance to the King and Lords. "They are violently menaced, affronted, and assaulted by Multitudes of People, in coming to their Service in that Honourable House, and since the 27th of December, have been under a forced and violent absence, &c."

The Lords desire a Conference on this Petition, "as it extends to a deep intrenching upon the fundamental Privileges, and the very Being of Parliaments."

The *Commons Resolve*, "To accuse the Twelve Bishops, in the name of this House, and of all the Commons of England, of High Treason, FOR ENDEAVOURING TO SUBVERT THE FUNDAMENTAL LAWS OF THE KINGDOM, AND THE VERY BEING OF PARLIAMENT, BY PREFERRING THAT PETITION, AND MAKING THE PROTESTATION EXPRESSED IN IT."

The *Lords*, upon this, *Order*, "That they be committed to safe Custody in the Tower."

The Bishop of Winton disclaims the Petition.

Dec. 31. At a Conference, Mr. Pymme speaks against Lord Digby, "who had said the present Parliament was a forced one, and that the Acts, and Votes, and Laws, that should be enacted therein, without the Votes and Assistance of the Bishops, were void and of none effect, and not binding on the Subject." He states three grounds against him. First, As it was a great breach of the Rights and Privileges of Parliament; Secondly, It intrencheth much on the Prerogative of the King, and abridges his Royal Power; Thirdly, It is the first step to bring into the State an arbitrary and tyrannical form of Government."

January 3. (*Monday*.) The Houses meet after an Adjournment.

1642.

A. N.

17

(y) See Clarendon, IV. 111, on the miserable consequences of this conduct, by which all obstacles of the Law were removed, and the people taught a way to assemble lawfully together in how tumultuous a manner soever. "These insurrections by this means were so countenanced, that no industry or dexterity of the Lord Mayor of London could give any check to them, but instead thereof, himself (with great and very notable courage opposing all their fanatical Humours) grew to be reckoned in the first form of the Malignants, (the term imposed upon all those they meant to render odious to the People,) inasmuch as his house was no less threatened and disquieted by the tumults than the House of Lords, &c."

The Attorney General, by a Message from the King, charges Lord Kymbolton, and Five Members of the Commons, with High Treason. 1642. A. R. 17

The *Lords* appoint a Committee, to consider, "Whether an Accusation of Treason may be brought into their House by the King's Attorney General, against a Peer of Parliament."

Counsel are assigned to the twelve Bishops.

Report is made of a Conference for removing the King's Guard, and a Complaint of the Commons as to a Breach of their Privilege, by searching the Studies and Chambers, &c. &c., of some of their Members, without consent of Parliament.

Jan. 4. A Conference is held on a Breach of Privilege in that a Guard of Soldiers was stationed at Whitehall.

The King sends a Serjeant at Arms to the Commons' House, to arrest the Five Members charged, who not being delivered up, the King, *in person*, demands them. Taking the Speaker's Chair, and not seeing them, his Majesty asks the Speaker where they were? Falling on his knees, the Speaker answers; "I have neither eyes to see, nor tongue to speak in this Place, but as the House is pleased to direct me, whose Servant I am here, and I humbly beg your Majesty's pardon, that I cannot give any other answer than this, to what your Majesty is pleased to demand of me."

The King retires amid the cry of Privilege, Privilege, and the House is adjourned till the following day, at One o'clock.

Jan 5. It is *Ordered*, in the *Lords*, That the Record of all Capital Proceedings in Parliament, from 4 Edw. III., unto 19 Edw. IV., also the Close Roll, in the Earl of Kent's Case, 4 Edw. III., be brought to the House.

The *Commons Resolve*, "That his Majesty coming to their House was a high Breach of the Rights and Privileges of Parliament."

Mr. *Pymme*, and others, speak upon the Articles exhibited against the Members, and on Privilege of Parliament. It is said,

"That his coming to the House was the highest Breach of Privilege of Parliament that could be made; and that the arresting, or endeavouring to arrest any Member of Parliament, was a high Breach of their Privilege; and that the person, who was so arrested, might lawfully rescue and redeem himself; and that all who were present, and saw the Privilege of Parliament so violated, might and ought to assist the injured person in his defence, and to procure his liberty with force."

On the *other hand*, it is said, "That they must take heed, that they did not out of tenderness of their Privilege, which was, and must be, very precious to every man, extend it farther than the Law would suffer: that the House had always been very severe upon the breach of any of their Privileges, and in the vindicating those Members who are injured, but that the disposing men to make themselves Judges, and to rescue themselves or others, might be of evil consequence, and produce ill effects, at least if it should fall out to be that the Persons were arrested for Treason, or Felony, or Breach of the Peace, in either of which Cases there could be no Privilege of Parliament." (z)

The Commons send up a Message to the Lords, on this subject.

The Houses adjourn to Tuesday, 11th of January, appointing

(z) On Breaches of Privilege, see Clarendon, IV. 130.

1642.

A. B.
17

Committees to sit, in the mean time, for Vindication of their Privileges, &c.

Jan. 11. The King sends an Answer respecting a Guard. "He will command the Mayor of London to appoint two hundred men of the Trained Bands of the City, to wait on the Houses of Parliament, to be commanded by the Earl of Lyndsey, Lord Great Chamberlain, who, by his Place, hath a particular Charge of the Houses of Parliament, and of whose Courage, Integrity, and Sufficiency, none can doubt."

The *Lords* Order the Sheriffs of London and Middlesex to send two Companies of Trained Bands of the City of London, &c., under the Command of Major Skippon, to attend both Houses.

The *Commons* send up a Bill, which the *Lords* read three times and pass, "That the Lords and Commons may adjourn themselves respectively to any Place."

The King sends for the Lord Chamberlain and the Earl of Holland to Hampton Court.

They are commanded by the *Lords* to stay here.

Jan. 12. Report is made to the *Lords*, of a Design to kill Five Lords of this House, the Earls of Northumberland, Essex, Holland, Pembroke, and Leycester.

The Attorney General asks time to prove that what he did in charging of High Treason, was in a Legal and Warrantable Course, agreeable to the Course of Parliaments, and fit for him to do as the King's Attorney.

The Lieutenant of the Tower being sent for, "conceives he cannot come without Leave first obtained of his Majesty, as he had a Warrant from him, and a Command not to depart from the Tower without his Leave."

The *Lords* vote this Refusal a high Contempt of the Order of that House, notwithstanding the King's Warrant; *because the King's Command is always supposed to be implied in an Order of their House.*

The *Commons*, also, vote, "That he hath committed a high Contempt against the Authority and Privileges of Parliament, &c."

The *Commons* Order "Another Lock to be set upon the Door of their House, and daily care to be taken, that all places thereabouts be safely guarded."

Jan. 13. The *Lords* make an Order against unlawful Assemblies.

The King, by Message, waves for the present, "his Proceedings against Lord Kymbolton, and Mr. Holles, Sir Arthur Haselrigge, Mr. Pymme, and Mr. Stroude, and will hereafter proceed in an unquestionable way."

The Attorney General cites, as a Precedent, the Earl of Bristol's Case, 1 and 2 Car.

Lord Kymbolton desires his Trial, notwithstanding the King's forbearance.

Jan. 14. The King, by Message to the Lord Keeper, declares, "That he never had the least intention of violating the Privileges of either House, and in case any doubts remain, will clear them in any reasonable way. He has no doubts his Parliament will lay by all Jealousies, and apply themselves to the public and pressing Affairs of the Kingdom, especially to those of Ireland, &c."

Jan. 15. Resolved, That the Impeachment of Lord Kymbolton, &c., by Mr. Attorney General, is a high breach of Privilege.

The *Commons* Resolve, "That this Act is a High Crime; That

he shall be charged as Criminous, and put in Security for standing Judgment." 1612.

Ordered. Sir John Byron to be removed from the Tower for his disobedience to the Parliament. A. B. 17

Jan. 17. The *Commons* send up a Resolution, "That all such as have given evil Counsel, or endeavoured to set and maintain a division or dislike between the King and the Parliament, are Publick Enemies of the State, &c. Also, an Order for a Declaration on the *Defence of the King*, the Parliament, and Kingdom, and on the Treaty with the Scots about Ireland.

The Houses agree to adjourn till the 20th, and the *Commons* appoint a Committee to sit, in the mean time, at Grocer's Hall, London, for maintaining Privileges, &c.

The *Lords*, by vote, *Resolve*, "Not to petition His Majesty for the Removal of Sir John Byron from the Tower." Twenty-three Lords Protest.

The Twelve Bishops put in their Answer.

Jan. 19. The *Commons* publish a Declaration on the breach of Privilege in the case of the Five Members, &c. They declare, "that they might neither be apprehended by a Warrant under the King's own hand, nor be accused by the Attorney General, *except themselves were willing*." They insist farther, "That every person, being a Member of that House, who had been accused of any offence against that House, and, the Accusation depending, had been called up to the House of Lords, in the quality of a Peer, should, by Act of Parliament, be put out of that House; and, that, hereafter, no Member of the House of Commons, *shall, without their consent, be called up to be a Peer*, except in case of Descent; That no Person, who shall, hereafter, be made a Peer of the Realm, *shall be admitted to have his Seat, or Vote, in the House of Peers, without the consent of both Houses of Parliament*."

Jan. 20. Lord Darcie and Conyers is introduced and delivers his Patent of Restitution and Creation, and his Writ, (28 Oct. 1641.) He is placed next to Lord Dacres, *Salvo Jure*.

The King sends a Message regarding the Peace of the Kingdom.

The King's gracious Message "having filled all their Hearts with Joy and Comfort," the Lords desire to return their most hearty Thanks for the same.

The *Commons* refuse to join them, unless the addition be made, "That the King will put the Tower of London, with all other Forts, and the whole Militia of the Kingdom into such hands as the Parliament can confide in."

Jan. 24. His Majesty, by Message, "thinks it necessary that it should be *Resolved*, Whether he is bound, in respect of Privilege, to proceed against the Members, &c., by Impeachment in Parliament, be at liberty to prefer an Indictment at Common Law, or to have his Choice of either."

The Lords reject the *Commons'* last addition to the address of Thanks. Thirty-two Lords protest against this Rejection.

Jan. 26. Report is made in the *Lords* on a Conference, and on certain Petitions received from London, Middlesex, Essex and Hertfordshire.

At the Conference, *Mr. Pym* makes a long Speech on Reformation in Church and State, for which the *Commons* return him Thanks, and order it to be printed.

The Lords take exception for words spoken by the Duke of

1642.

A. N.
17

Richmond, "Let us put the Question whether we shall adjourn for Six Months." He makes an Acknowledgment. Twenty-two Lords protest against this, "as not a sufficient punishment for words of that dangerous Consequence."

It is *Ordered*, in the *Commons*, That every Member of this House do keep his seat, and not speak to the Messengers coming in or going out.

Jan. 27. The *Commons*, by 223 against 123, *Resolve*, That this House hath sufficient cause to accuse the Duke of Richmond, as one of the Malignant Party, and as an ill Counsellor to his Majesty.

Jan. 29. The *Lords Order*, That Meredith Mady, Chaplain to the Earl of Dover, shall have Privilege, as his Servant.

The *Commons* desire a Conference concerning the Duke of Richmond, "He did write unto the Town of Hythe, to choose one Captain Wymberley, to serve as one of the Barons there in Parliament, but he was not chosen. A Letter afterwards written by the Lord Duke of Lennox, required from "every of you, the Electors of your Barons for this present Parliament, the Poll; which is the particular name of every Person that gave his voice, and to whom he gave it, as likewise the locality of each Person, &c., at your peril."

They state the Reasons of their yesterday's vote: (1) He endeavoured to have such Members chosen as he should name; and his way of menace discovers an intention to overthrow the freedom of Election, and of making a Party in Parliament. (2) He endeavoured to corrupt the Members of the House of Commons after elected, &c.

Lord Morley's House having been searched by Warrants, the Lords send for the Persons who executed them.

The *Lords* Pass a Bill for a Subsidy of Tonnage and Poundage, "for a time only."

In the *Commons*, the Committee and Bill of Printing are revived.

It is *Ordered*, That the Printers shall not print or re-print any thing without the name and consent of the author, or they shall be proceeded against, as such.

Jan. 31. The Duke of Richmond puts in his Answer. He is acquitted by a vote of the Lords. Twenty-Two Lords protest.

It is *Ordered*, in the *Commons*, "That Mr. Speaker have a Warrant, at any time to apprehend and stay such Members, as send, receive or entertain, Challenges."

February 1. (Tuesday.) The King sends an Answer on the Militia, the Tower and the Forts.

The *Lords Vote*, That whoever advised this Answer, is of the Malignant Party, and an Enemy to the Publick Peace and Safety. The Lord Keeper has leave to attend the King at Windsor.

Feb. 2. The *Commons Resolve*, "That a Book by Sir Edward Deering, 'A Collection of Speeches, &c.' is against the Honor and Privilege of this House, scandalous to the House, shall be burnt by the Common Hangman, himself be disabled from sitting, and a new Writ issue."

By a vote of 85 against 61, Sentence is pronounced against him by the Speaker, and he is Committed to the Tower.

Feb. 4. The Bill for *Pressing Mariners*, receives the Royal Assent, by Commission.

Feb. 5. The *Lords* pass the Bill "For disabling all Persons

in Holy Orders, to exercise any Temporal Jurisdiction or Authority." 1642.

A. R.
17

The Bishops of Winton, Rochester and Worcester protest.

Feb. 7. It is *Ordered*, in the *Lords*, That the Committee of Privileges consider, "Whether Lords that have leave to be absent for a time, shall be permitted to send their Proxies."

Also, "What are the Privileges of the Masters in Chancery, who are Assistants to this House, and how far they extend."

The King again Answers as to the Forts and the Militia. "He is willing to apply a Remedy, not only to your dangers, but even to your doubts and fears. He will place such Persons as both Houses approve or command, unless, where there are great and unquestionable Exceptions."

Feb. 8. The *Lords* pass the Bill for *Pressing Soldiers*.

On the Report from a Conference, the Commons' Reasons are given, "why they feel Sorrow that the King delays to pass the Bill for taking away Bishops' Votes, &c."

The *Commons* send for two Printers as Delinquents, for contriving and Printing a Speech supposed to be made in this House.

Feb. 9. The *Lords' House* is called. Sixty-Seven Peers are absent.

The *Commons Order* the Committee of Printing to take up the business of a Speech ordered to be printed in Sir Simonds D' Ewes' name.

Both Houses recommend to the King Sir J. Conyers, as Lieutenant of the Tower, whom, on the 11th, his Majesty accepts.

Feb. 12. The House of Commons recommends to the Lords, the Lords Lieutenants of Counties, whom the Lords approve.

The *Commons* Impeach Sir Edward Herbert, Knight, his Majesty's Attorney-General, for his Articles against the Five Members.

Feb. 14. The Royal Assent is given, by Commission, to a Bill, containing a *Clause against Pressing*; and, also, to the Bill for taking away the Bishops' Votes. "Le Roy le veult."

The *Lords Order* Agmon Pickis, *Solicitor to the Lord Dudley*, arrested, contrary to Privilege of Parliament, to be discharged.

The *Commons*, by vote, agree to open Lord Digby's Letters to the Queen.

Feb. 15. It is *Ordered* in the *Lords*, That the Chaplain of the Lord Chancellor, or Lord Keeper, for the time being, shall attend, from time to time, to say Prayers before the Lords in Parliament, and in his absence, the Lord Chancellor or Lord Keeper shall appoint some other for that service.

The *Commons Resolve*, "That all Privy Counsellors and Great Officers of State, shall be removed for the present, except such as have Offices by Inheritance."

The House divides, 110 against 107.

Feb. 16. Privilege is allowed to the *Tenants* of the Earl of Lyndsey and the Earl of Stamford, sued in the King's Bench.

A Committee is appointed to consider "how the Peers shall sit in this House, NOW THAT THE BISHOPS' SEATS ARE EMPTY."

The *Commons* appoint a Sub-Committee on Irish Affairs, to Report on certain Propositions for the speedy and effectual Reduction of Ireland.

Resolved, No Person, whom the House accuses of High Treason shall be bailed without consent of the House."

Ordered, A Committee shall be revived, to examine the late great Breaches of Privilege.

1642.

A. D.

17

Feb. 17. The *Lords* refer it to the Judges, "Whether the late Act doth not take away the Temporal Jurisdiction of the Bishop of Durham."

The King returns an Answer to the Thanks sent him for passing the Bills: "Well, I pray you to take Ireland really into your care, and let your Thanks be expressed in that. I shall, then, thank you."

A Petition to the King, who, had given up the Prosecution of Lord Kymbolton, &c., refers to 37 and 38 Edw. 3, against Persons giving Information.

Feb. 18. The *Lords* and *Commons* vote certain Propositions for the speedy reducing of Ireland.

The *Commons Order*, That no man shall have leave asked for him to go into the Country, but between the Hours of Eleven and Four.

Feb. 19. A Petition is sent to the *Lords*, concerning the Refusal of the Trained Bands to guard the Parliament.

The Trial of the Bishops commences.

Resolved, An Address to be presented to his Majesty, containing Twelve Causes of our Misery and Danger, with Twenty-Five Remedies.

Feb. 21. The *Commons Order*, That a Bill be drawn, "For forfeiting the Issues and Profits of the Estates, Temporal and Ecclesiastical, of the 12 Bishops, and disposing thereof, as the Parliament may think fit; also, for the Imprisonment of their Persons during Life, and the Disposal of all Livings in their Gift."

Feb. 22. The *Commons* Impeach Lord Digby of High Treason.

The *Commons* divide, 65 against 48.

The Houses adjourn to the 24th.

Feb. 24. The *Lords* allow the claim of Lord Stanhope's Privilege in a Suit against a Tenant.

The *Lords Order*, "That the 12 Bishops shall be heard to the Bill, by themselves and the Counsel."

Feb. 25. Fourteen *Lords* signify, that they have received Letters from the King, requiring their attendance.

The *Lords* conceive this to be the effect of evil Counsels given to his Majesty.

Feb. 26. Peter Heywood is sent for, for scandalous words against Lord Strange.

Stanley is committed to the Fleet, for scandalous words against the Parliament, having said, "What would you do with a Parliament? Pull the King's Crown off his Head?"

Feb. 28. Both Houses vote the King's Answer, relative to the Militia, "a Denial."

Resolutions are adopted in the *Commons*, "That such Denial is of dangerous consequence, and that his Majesty's intended removal into remote Parts (York) from his Parliament, will be a great hazard to the Kingdom, and Prejudice to the Proceedings of Parliament."

In the *Lords*, it is notified, That Four *Lords* have received Letters from the King, requiring their attendance.

March 1. (Tuesday.) The *Lords Order* the Release of one of the Marshalls of his Majesty's Hall in Ordinary, arrested, contrary to Privilege.

Committees from both Houses, attend the King, at "Tibbatts."

March 2. The *Lords Agree*, That the Kingdom is to be forthwith put into a posture of defence, by Authority of both Houses.

March 5. On Ordinance is made thereon.

It is *Resolved*, upon a *Scruple in the Lords*, That the Passing of this Ordinance of the Lords and Commons in Parliament, for the Safety and Defence of the Kingdom of England, is not any way against the Oath of Allegiance." 1642.
A. D.
17

Sixteen Peers enter a Protest.

Resolved, "Whoever shall exercise any Power over the Militia of this Kingdom, without the consent of both Houses of Parliament, shall be counted a disturber of the Peace of the Kingdom."

Four Lords Protest.

An Order is made, "That Lords who make Protestation, shall themselves do so, or give directions that it be done, the next sitting day of this House, or that such Protestation shall otherwise be void."

Ordered, Sir Walter Norton to be Privileged only while he is prosecuting his Cause in this House; at all other times, Parties are to take their Ordinary Legal ways.

March 7. The Lords Order, That a Declaration of both Houses, respecting Fears and Jealousies, and for moving the King to come nearer his Parliament, shall be presented to his Majesty.

Fourteen Lords Protest.

In the Commons, the House divides, 72 against 63.

March 8. In the Lords, the Charge is opened against the Attorney-General.

It is *Debated*, whether he shall have Counsel or no, his offence being voted by both Houses a high breach of their Privileges, of which no Counsel can, or ought, to judge.

It is *Resolved*, to allow Counsel in matter of Privilege.

The Commons Order the Committee for Printing to take speedy course for the Corporal punishment of a Printer, &c.

March 9. Mr. Trelawney, a Member, is disabled to sit, by vote of the House, and a new Writ is ordered for Plymouth, on account of words accidentally spoken out of the House.

March 12. A Report is made of his Majesty's Speech to the Committees, which, on the 9th, presented to him, at Newmarket, the Declaration of both Houses.

March 15. The Lords debate the following Questions:

(1) Whether Mr. Attorney hath committed a Crime for which he ought to be sentenced in this House.

It is *Resolved*, in the Affirmative.

(2) Whether, for this offence, he shall lose his Place of Attorney.

It is *Resolved* in the Negative; with Fourteen Protests.

(3) Whether he shall pay a Fine to the King.

It is *Resolved* in the Negative; with Fourteen Protests.

(4) Whether he shall pay Damages to the Parties accused.

It is *Resolved* as on the two last Questions.

(5) Whether he shall be Committed to the Tower.

It is *Resolved* Negatively; with Three Protests.

March 16. A Letter to the Lord Keeper from the King, (dated, Huntingdon, 15 March) declares "against the validity of any Act or Ordinance, that has not received the Royal Assent."

In the Lords, a Bill "for clearing Lord Kymbolton, &c.," passes.

March 17. The Commons send up some votes concerning the King's last Message; among others, "That when the Lords and

1642.

A. D.

17

Commons in Parliament, which is the Supreme Court of Judicature in the Kingdom, declare what the Law of the Land is, to have this not only questioned and controverted, but contradicted, and a Command given, that it shall not be obeyed, is a high breach of Privilege." To which, and other votes, the Lords agree.

In the *Commons*, on a Division, the "Yeas" are 51, and the "Noes" 51. Mr. Speaker delivers himself to be a "Noy." Therefore the Question passes in the Negative.

March 18. The *Lords Order*, That no Lord shall have leave of absence, but in a full House.

March 19. Lord Baltinglass, Servant to his Majesty, being arrested, is allowed Privilege.

March 21. The Earls of Pembroke and Montgomery, and of Holland, are, by Letter from the King, commanded to attend his Majesty at York, to keep the Feast of St. George.

The *Lords Order*, That they shall attend the weighty affairs of the Kingdom, in Parliament.

March 22. The *Lords Order*, That Sir J. Hotham do admit no Forces into Hull, without the order of both Houses.

The Earl of Peterborough petitions against Lord Mounson, a Member of the Commons' House. It is referred to a Committee.

Both Houses send up their votes to the King, and the Lords desire the Commons to join, "That the Messengers may ride Post, for better expedition."

March 23. The *Commons* send up a Declaration containing the Causes of the present Grievances, with their Remedies.

March 24. The Lords assign Counsel to the Impeached Judges

The Lord Keeper communicates his Majesty's Answer to the Declaration presented at Newmarket. "Are the Bills, says the King, for the Triennial Parliament; for relinquishing our title of imposing upon Merchandize, and power of pressing of Soldiers; for taking away the Star Chamber and High Commission Courts; and for regulating the Council Table, but words? Are the Bills for the Forests; the Stannary Courts; the Clerk of the Market; and the taking away the votes of the Bishops out of the Lords' House, but words? Lastly, what greater earnest of our trust and reliance on our Parliament, could, or can, we give, than the passing of the Bill for the continuance of this present Parliament? the length of which, we hope, will never alter the nature of Parliaments, and the Constitution of this Kingdom; or invite our Subjects so much to abuse our confidence, as to esteem any thing fit for this Parliament to do, which were not so, if it were in our power to dissolve it to-morrow. And after all these and many other Acts of Grace on our part, that we might be sure of a perfect reconciliation betwixt us and all our Subjects, we have offered, and are still ready to grant, a free and general pardon, as ample as yourselves shall think fit. Now if these be not real expressions of the affections of our soul, for the publick good of our Kingdom, we must confess that we want skill to manifest them."

In a Second Letter the King says, "Our Command is that you make known to our Parliament, that, if they shall, pass a Bill for the freeing and clearing of Lord Kymbolton and the rest, in such words and terms as may be strong for them, and not reflect upon us, we will readily give our Royal Assent thereunto."

The King farther states, "That he can see no reason why the Earl of Warwick should be Commander-in-Chief at Sea, and he can approve no other than Sir J. Pennington." 1642.
A. R.

Ordered, This House to consider, "*Whether his Majesty's Answer be not a Breach of the Privilege?*" 17

A Division in the Commons is of 43 against 38.

March 25. The Lords, by Message to the Commons, communicate, That they have received a Commission under the Great Seal, for giving the Royal Assent to the Bill for raising £400,000; but the Bill being annexed to the Commission, which is not the ordinary way with Bills of this nature, their Lordships acquaint them with it, and that they have been passed both ways, as by Precedent 18 Jac., when the Bill was passed in this form. They farther signify, that if the said Bill do not pass thus, it must be sent back to the King, to have the Commission new sealed, which will much retard the business.

The Commons, appoint a Committee, "*To consider the fittest course for keeping the Members together.*"

The House divides, 75 against 60.

March 26. The Speaker of the House of Commons is sent for. He presents the Bill of Subsidy, holding the Bill only in his hand, and the Clerk of the Parliament holding the Commission and Seal in his hand, because it was annexed to the Bill. The Royal Assent is given, the Clerk saying, "*Le Roy remercient, &c.*"

A Petition is presented, That the Earl of Rutland may wave his Privilege, and answer a Bill in Chancery. The matter is referred to the Earl for answer.

The Commons Resolve, That no Private business whatsoever shall be received, entertained or proceeded on, between this day, and Monday four weeks, except, &c.

March 28. The Lord Chamberlain, the Earls of Sarum and Holland, and the Lords Savile and Seymour, receive the King's Commands to attend him at York. 1642.
A. R.

It is Resolved, That they shall give their attendance in this House. 18

A Conference is held respecting a Petition from Kent, which, *praying for a Restoration of the Bishops, Liturgy and Common Prayer and other Constitutional Measures*, is voted Seditious and against Privilege and the Peace of the Kingdom.

The Earl of Bristol produces a Copy, and, with Judge Mallet, as having it in their possession, is committed to the Tower.

Eight Lords Protest.

The Commons send for many Printers as Delinquents, for *Printing certain Proceedings in Parliament*.

They Resolve upon Question, "*That what Person soever shall print or sell any Act or Passage of this House under the name of a DIURNAL, or otherwise, without particular licence of the House, shall be reported a high Contemner and Breaker of the Privileges of Parliament, and be punished accordingly.*"

March 29. The Gentleman Usher receives a Command from the King to attend the celebration of the Feast of St. George, at York.

The Lords Order him to remain here, &c.

It is Ordered, "That no Lord shall go to the Fire, and stand talking there, when this House is sitting."

The Commons appoint a Committee to consider the Heads of a Conference, concerning the King's sending Warrants, under his

1642.

A. D.

18

own Hand, to the several Sheriffs, for publishing Books, Messages and Writings, concerning the Parliament, &c.

Resolved, That a Committee of this House do attend his Majesty at York, "*in these times of Jealousies and Dangers.*"

April 1. (Friday.) The King's Answer to the Message from both Houses is read.

Report is made on a Conference concerning the Declaration of Grievances and Evils, with their Remedies, to be presented to the King. Mr. Pymme speaks largely thereon.

Exception being taken, in the *Commons*, to words spoken by Mr. Killigrew, "he is sharply reprehended by Mr. Speaker."

April 2. Sixty-nine Lords are absent on the calling of the House.

The King still preferring Sir John Pennington, the *Houses Resolve* to require the Lord Admiral to depute the Earl of Warwick, to the Command of the Fleet, in Chief.

Edward Sandeford, a Taylor, is sentenced to the House of Correction, in Bridewell, for Life, with previous Fine, Pillory and Whipping, "for calling the Earl of Essex and others, 'Traitors, and wishing them hanged.'"

April 4. The Lord Admiral is required, &c., and the Earl of Warwick enjoined forthwith to put to Sea. Thirteen Lords protest.

A Conference is held on an Indemnity for the Lord Admiral and the Earl of Warwick, "as they will do nothing therein, but according to the Law of the Land, and as commanded by both Houses."

The humble Petition of William Lenthall, Esq., Speaker, is presented to the House of Commons, "concerning the great decay in his body and estate, occasioned by his daily and continual employment."

During the last three days, Divisions have taken place, of 131 against 97; of 116 against 53; and 45 against 34.

April 5. The *Lords Resolve* to petition his Majesty, That the Great Officers of State and the Privy Counsellors may be displaced, and others, recommended by Parliament, put in their Room.

Eighteen Lords protest.

The *Commons* appoint a Committee to prevent the publishing, by Proclamation, Declarations of his Majesty concerning Passages in Parliament.

April 6. Thomas Walker is committed to the Tower, as the Author of a Seditious Pamphlet, "Return to your Tents, O Israel."

April 7. The Act passes the Commons, "That the County Palatine of Durham, shall have Knights, Citizens and Burgesses."

It is *Ordered*, That the Kentish Petition be burned by the hands of the Common Hangman.

April 8. By an *Order of the Lords*, "The Guards are to go home as soon as both Houses rise."

An *Order* is made concerning absent Lords; Those who have gone to other Places than for which Leave was given, are to have the censure of the House, and no more Leave is to be given to any Lords till further Order."

April 9. The Earl of Bath being commanded by his Majesty to attend him as a Privy Counsellor, the *Lords Order* him to give his attendance on this House, "*whereunto his Lordship is obliged, by his Majesty's Writ, and the Law of the Land.*"

The *Commons Order*, That £6000 be bestowed by this House on Mr. Speaker, as a free gift. 1612.

He expresses his thankfulness, "and will continue to serve to the best of his Abilities." A. R. 18

April 11. Report is made in the *Commons*, on an *Order* to prevent the multitude of Poor coming over from Ireland.

The Lords desire a Conference on "a Message from the King, of as great importance as ever came to their House."

April 12. The King, by Letter, commands the Lord Chamberlain and the Earl of Holland, as Groom of the Stole, to attend him at York, or to deliver up their Ensigns of Office.

The Lords *Resolve*, "That their non-attendance, according to an Order of this House, is no disobedience to the King's Command." Also, "That the removing of them from their Places on that ground, is against the Privileges of Parliament: That the King's dispensation and Licence, under his Privy Signet, and Sign Manual, when the House commands their attendance, cannot discharge their attendance on that House: and, That any Lord disobeying the Commands of this House is punishable by this House."

April 13. The Earl of Salisbury and Lord Savile are commanded to attend the Parliament, notwithstanding the King's Letter.

April 15. Eighty-Two Lords are absent, on a Call of the House.

It is *Ordered*, That a Committee do consider what Impositions it is fit to lay upon such Lords as are absent without Leave.

The *Commons Order*, That the House shall sit every morning at Eight, and rise at 12.

April 18. It is *Resolved*, That the Attorney-General shall be disabled from being a Member, Assistant, or Pleader in either House of Parliament, and discharged from all offices, saving that of Attorney-General, which he now holds; Farther, that he shall be committed to Prison during pleasure.

April 19. The *Commons Order*, That whoever is not here at Prayers every Morning at Eight, shall pay 12*d.* to the Poor, and every Member, coming after Prayers, 12*d.* to the Serjeant.

April 21. Sixty-one Lords are absent on a Call of the House. Both Houses make an *Order* against Counter-Petitions: "as no man ought to petition for the Government established by Law, because he has already his wish; but they that desire an Alteration, cannot otherwise have their desires known, AND THEREFORE ARE TO BE COUTENANCED."

The *Commons Order*, That the Delinquents who have been Actors in the Kentish Petition, shall be speedily brought to Trial.

April 25. The King sends a Message touching a Printed Paper, "A Question answered how Laws are to be understood, and obedience yielded."

The *Commons* resent a Petition from the Yorkshire gentry to the King, for continuing the Magazine at Hull, "as of dangerous consequence, and an affront to the Parliament."

Both Houses *Order*, That the Subscribers be summoned to answer the same in Parliament.

April 26. The Lords receive a Message from the King, on his being refused admission into Hull, by Sir J. Hotham.

It is *Resolved*, "That the declaring of Sir J. Hotham a Traitor, being a Member of the House of Commons, is a high breach of the

1642.
A. D.
18

Privilege of Parliament, against the Liberty of the Subject, and the Law of the Land."

The Earl of Stamford reports that he saw at York, the Earls of Carlisle, Newport and Carnarvon and Lord Rich.

The *Commons Resolve*, That Sir John Hales shall be sent for as a Delinquent, for breaking the Privileges of the House, by intercepting a Messenger with Letters from Hull to the Parliament.

April 28. The Dowager Lady Delawar claims Privilege on an Arrest.

The *Commons*, by Mr. Oliver Cromwell, acquaint the Lords, "That a great meeting is to be held next day on Blackheath, to back the rejected Kentish Petition."

April 30. The *Lords* declare, that none of the King's, Queen's, or Princes' Servants shall be allowed Privilege of Parliament, but such as are in Ordinary.

The Men of Kent come to the House, and again present their Petition formerly burnt. Several are committed to the Gatehouse and Fleet.

Many Lords Lieutenants appointed by the Parliament, refuse to execute their Commissions.

May 2. (Monday.) In the *Lords*, John Rushworth, a Clerk of the House of Commons, gives a narration of some Matters at Hull.

P. M. A Report is made of the Opinion of the Judges, "That the Printing of Libels is a Publication of them."

The King's Warrant (15 Nov., a. 17) is produced, "for the delivery from the Tower, Carlisle and Hull, or elsewhere, of such Arms as shall be ordained by our Parliament."

In the *Commons*, a Bill is read, "For Printing several Books made by Sir Edward Coke, Knight, late Chief Justice of the King's Bench."

May 3. The *Lords Agree* to the Bill against Pluralities.

The Royal Assent, is given, by Commission, to the Bill of Tonnage and Poundage.

In the *Commons*, Report is made on Andover. In the Town, are 24 Burgesses that have the Right of Election. Eighteen only appeared, nine for Mr. Vernon, and nine for Sir W. Waller. The Bailiff, who challenges a casting vote, gave for Mr. Vernon, and returned him. Mr. Bourne, a Burgess elected, but not sworn, was at the Door, but not admitted. The Election being done, he told the Bailiff he was there to give his voice to Sir W. Waller. The Bailiff refused him as not sworn. Two other Burgesses elected, but not sworn, after the Election, declared for Mr. Vernon.

It is *Resolved*, by 107 against 102, That Mr. Vernon's Election is void, and Sir W. Waller's good, and that the Bailiff at the Bar, shall amend the Return.

May 4. The Privilege of Parliament of Lady "Ella Warr," a Peeress of this Kingdom, is allowed.

A Bill is sent up for the Forfeiture of the Lands and Estates, and for the Punishment of the 12 Bishops.

May 5. The *Lords Order*, That all Private Petitions shall be put off till the 24th of October.

May 6. The *Commons Resolve*, That the House shall proceed against Mr. Endymion Porter and Mr. J. Ashburnham, for contempt, should they not appear by the 16th, according to Summons.

Sir Henry Ludlow is reproved by the Speaker for reflecting on the King, "That he was not worthy to be King of England." 1642.

May 7. The Lords receive a Paper from the Privy Council of Scotland, for conciliating matters between the King and Parliament.

May 9. The Lords direct that Dr. Hacket shall be elected a Canon Residentiary of St. Pauls.

The Commons, by Message, desire that both Houses may be present at the Review of the London Militia, To-morrow.

May 11. The Lords Order, "That no Lord shall ask Leave for absence but in a full House: and that a difference be made between Lords that went without Leave before the making of the last Order, and those that went since, and those that had Leave and have exceeded the Time."

It is Ordered, That the Earls of Carlisle, Newport, Cumberland, and the Lords Willoughby d' "Erseby," Pierpointe, Seymour and Savile, be sent for.

The Commons Resolve, "That the Chairman of all Public Committees shall have power to send to Private Committees, to call them to attend the Public Committees, at all such TIMES AS THEY SHALL WANT NUMBERS TO MAKE A COMMITTEE, and that the names of all such as refuse, shall be returned to the House."

May 12. It is Resolved in the Commons, "That Mr. Long and Mr. Hooke are Beneficiaries within the Order of the House, in the Project of Wine, and are not fit to sit any longer as Members of Parliament; and that a new Writ shall issue for Bristol."

A Vote passes both Houses to Indemnify all Persons acting under the Ordinances of Parliament, "for preserving the Peace of the Kingdom."

May 14. The Lords pass a Bill, "To restrain all Peers made hereafter, from sitting and voting in Parliament." Six Dissents are entered.

May 16. The Lords appoint a Committee to look over Precedents, and to Report on these Queries:

(1) Whether the King hath ever given other Denial to any Public Bill offered unto him by both Houses of Parliament, than by suspending his Assent for a time?

(2) Whether a Petition brought up by the Commons, and approved by the Lords, hath ever been refused by the King?

(3) Whether any Person hath ever been adjudged a Traitor for executing the King's verbal Commands against the Laws of the Land?

The former Order is renewed, to continue a Company of Guards, under Serjeant-Major Skippon.

The Commons appoint a Committee "to consider the Form of the King's Oath, as upon Record, &c., and the Statute 25 Edw. 3: also, whether, in former times, Kings gave other Answer than "Le Roy s'avisera;" what Persons have been proceeded against for High Treason, notwithstanding they had the King's Commands; to search for Precedents for what Parliaments have done in like case of the King's Absence, and the Parliament putting Forces in Places of Strength, to preserve them for the King and Parliament."

May 17. The Lord Keeper receives directions from the King to issue a Proclamation and Writs, to remove the next Term to York.

The Lords Resolve, (1) That it is Illegal, in regard of the late

1642.
A. R.
18

Act, for the continuance of the Parliament. (2) That it is contrary to the Practice of Parliament and inconsistent to the sitting of Parliament, and the Act lately passed. (3) That it is contrary to the express Writ, that calls Assistants to this House.

The Lord Keeper is *Ordered* not to issue any Writs.

The King, by Letter, sends for Serjeant-Major-General Skippon to York.

It is voted in the *Commons*, "that for his Majesty at pleasure to command any free-born Subject to attend his Person, not being bound thereunto by Special Service, is against the Law of the Land; and that his Majesty so commanding any Person, being employed by both Houses in their Service, without their consent, is against the Privilege of Parliament."

The Lords desire a Conference touching two Particulars, (1) How it is against the Law and Liberty of the Subject for the King to Command any Subject to attend at his pleasure? (2) Whether the words, "but such as are bound by Special Service," do not contradict that vote wherein it was Resolved, That some Lords should not attend the King, though they were his Household Servants?

The Lords finally adopt the Resolutions.

May 19. The *Lords Resolve*, "That the Lord Savile going from the Parliament and refusing to come when this House sends for him, is a great Contempt to this House and a high breach of the Privilege of Parliament: and that he shall not sit or vote in this House during this Session."

It is farther *Resolved*, That when the High Court of Parliament sends for a Delinquent to appear before them, the King's laying his Commands upon him, not to appear, tends to overthrow the Power of Parliament and the Justice of the Kingdom."

A Messenger of Parliament imprisoned at York, is, by *Order*, to be brought up by a Writ of Habeas Corpus, directed to the Sheriffs; and the Proceeding is voted a high breach of Privilege.

A Question is propounded in the *Commons*, "Whether such Members as absent themselves, contrary to the Fundamental Laws of the Land, without Leave of the House, shall be sent for by the Serjeant's Man?"

The Question, "Whether this Question shall now be put, or no?" passes in the Negative.

The *Commons Resolve*, "That a Clause concerning the King's being bound by his Oath to pass such Bills as are presented to him by both Houses of Parliament, for the good of the Kingdom, shall stand part of the Declaration."

The Question is put, "Whether this Question shall be now put;" which passes in the Affirmative. The Yeas go forth, 103; the Noes sit, 61.

Resolved, That the Declaration be re-committed as to the Clause concerning the King's denial of Bills.

May 20. In a Conference, it is stated, "THAT THE LORDS FINDING THE BUSINESS OF THE KINGDOM TO LIE UPON A VERY FEW, had thought fit to call their several Members, which, when sent for, received a Command from his Majesty, not to come. The Absentees are of three sorts; Absent with Leave, Absent without Leave, and Absent contrary to the Commands of the House. They have made an Order, in hæc Verba, &c., and desire a Committee of both Houses to consider a course to bring such Delinquents to deserved Punishment."

The *Commons Resolve*, "That a Copy of the Oath, 1 Hen. 4,

No. 17, and that Clause of the Statute de Provisoribus, 25 Edw. 3, 1642. beginning, "Whereupon the said Commons," and ending, "There-
upon Ordain Remedy," be inserted in the Declaration. A. R. 18

The *Lords* desiring a Conference, "touching matters of great Importance," the *Commons* declare, "This Message is so general, that the House is not bound to answer thereto, and though, in this straight of time, they are content to do so, they have Ordered that they may not be bound by this Precedent in future."

Three Resolutions are Reported from the Conference.

(1) That, seduced by wicked Counsels, the King, as it appears, intends to make War against the Parliament, *who, in all their Consultations and Actions have proposed no other end but the Care of his Kingdom, and THE PERFORMANCE OF ALL DUTY AND LOYALTY TO HIS PERSON.*

(2) That, whensoever the King maketh war upon the Parliament, it is a breach of the Trust reposed in him by his People, contrary to his Oath, and tending to the Dissolution of the Government.

(3) That, whosoever shall serve or assist in such wars, are Traitors *by the Fundamental Laws of the Kingdom*, and have been so adjudged by two Acts of Parliament, 11 Ric. 2, and 1 Hen. 4, and ought to suffer as Traitors.

Lord Herbert, of Cherbery, is, by the *Lords*, committed to the Gentleman Usher, for saying, "He should agree to the Second Vote, if he could be satisfied, that the King would make war on the Parliament without Cause."

May 21. The "Declaration" of the Errors and Miscarriages in Government from the Dissolution of the last, and vindicating the Proceedings of the present Parliament, is sent up to the *Lords*.

May 23. The *Lords* are informed, That the Lord Keeper, Littleton, under Leave of absence for a few days, is gone to York. An Order is made to take him into Custody, and with him, the Great Seal of England.

The "Declaration" passes the *Lords*, with Eight Protests.

The *Commons Order*, "That such things as are ordered to be imprinted by this House, shall be brought to the Clerk, and be examined and attested under his hand, before they are published."

May 24. Privilege is allowed to the Earl of Dorset's Chaplain.

Divers Under Sheriffs are admonished by the Speaker of the *Commons*, on account of Arrears of Poll Money, Subsidies, Contributions, &c., and are required to Answer at their Peril.

The *Commons Resolve*, That Mr. Rushworth shall be sent Express to the Committees at York; and, on his return, the House shall consider his Charges, Pains and Deserts in this, and several other Journeys.

May 26. The *Lords Order*, "That the Absent *Lords* shall be sent for to answer for their Contempt."

The Absentees, without Leave, are the Lord Keeper, the Duke of Richmond, the Marquis of Hertford, 16 Earls and 13 Barons. Other Peers are on Leave, or are Recusants. The Peers present are 18 Earls, 1 Viscount and 23 Barons. Minors, or disabled, are the Duke of Buckingham, 10 Earls and 2 Barons.

May 28. A "Memorandum" is made in the *Commons*, "That the Pretender to the Election at Cocker-mouth, is not to be precluded or prejudiced by any elapse of time, for not bringing in his Petition within the designed time."

June 1. (Wednesday.) The *Commons Order*, "That those

1642.
A. N.
18

Members who are Committees at York, shall require all such Members of this House as are now at York, or shall repair thither without Special Licence, to return to Parliament, and shall declare to all such as remain, that their going away is a great affront to the House."

Nineteen Propositions are prepared, to be presented to the King.

June 2. The Solicitor having received his Majesty's Commands to attend him at York, on Special Service, It is *Resolved*, "That he be enjoined to stay."

The *Commons Order*, "That the several Members of this House be forthwith required to give their Attendance, that the Sheriffs give notice of this Order, and speedily make return of their Doings to the Speaker, and that such as do not personally appear by the 16th, shall forfeit one Hundred Pounds, and undergo further censure and punishment."

The King Answers the Remonstrance of the Parliament, and exposes "the Doctrines of that Declaration, and the Positions of its Contrivers," "That they have an Absolute Power of declaring the Law: That no Precedents are Limits to bound their Proceedings: That a Parliament may dispose of any thing, wherein the King or the Subject hath a Right: That, without their Leave, no Member of either House ought to be TROUBLED or MEDDLED WITH, for Treason, Felony, or other CRIME: That the Sovereign Power resides in both Houses, and that the King hath no Negative voice: That the levying of Forces against the Personal Commands of the King, though accompanied with his Presence, is not levying War against the King: That they may depose us when they will, and are not to be blamed for so doing."

June 3. The Earl of Northumberland, Lord Admiral, and Lord Pembroke are *Ordered* not to obey the King's Letter to attend him at York; and a Committee is appointed to draw up a Declaration against the King's sending for Lords.

The Earl of Lyndesey is sent for as a Delinquent, for hindering the Militia, under a Commission from the King.

The *Commons* commit Mr. Smyth, Vicar of St. James, Deeping, for 6 months to the Gate House, and inflict on him a Fine of £100, for saying, "An Act of Parliament was of no force without the King's Consent, and it is Treason to obey an Order of the Houses of Parliament, without the King's hand and Seal to it."

Certain Fiddlers are sent to the House of Correction for singing a Song against the Parliament, in Gracious Street.

A Committee is named to consider the best way of putting the Public Orders and Votes of the House in execution, and of divulging and publishing them.

June 6. The *Commons Resolve*, "That the Earl of Lyndesey is a public enemy to the State, and an Incendiary between the King and his People."

June 7. A Letter is received by the Lords from Nine Peers, (Dover, Grey, of Ruthin, Howard, Coventry, Capell, Southampton, Devonshire, Monmouth, Rich.) "They have received a Summons to appear at the Bar, on the 8th of June. They are come to York to pay a willing obedience to his Majesty's Command, which Command rests upon them still."

June 8. The *Commons Resolve*, That the Publishers of "a true Relation of the Proceedings of the Scots and English Forces in the North of Ireland," shall be committed to Prison, and the Book be burnt.

June 9. Report is made in the *Lords* of a Conference on the Safety of the Kingdom. Sir John Evelyn shews, "That the Commons have considered the constant attempts at destroying the frame of this Government ever since the Parliament began. That as to Affronts of both Houses and the Members, suffice it to say, that this Parliament hath suffered more than ever was offered to our Ancestors, or to any Parliament before this." 1642.
A. R.
18

June 10. In the *Lords*, the Speaker receives a Letter from Sir Robert Heath, one of the Justices of the Court of King's Bench. "He has left the Parliament to go to the King at York, as by Oath and Duty bound."

It is Declared, "That Mr. Justice Heath's going from the Parliament without Leave, is against his oath; but his staying at the Parliament, being sent for from thence, is not against his Oath."

The Commons Order, "That a Scandalous Picture of Sir John Hotham upon the Walls of Hull, and his Majesty on foot before the Walls, be burned by the Common Hangman, the Publisher be brought to condign punishment, that the Serjeant seize all Pictures he can meet with in Westminster Hall, and the Company of Stationers seize such Pictures in all Places."

June 11. The *Lords Resolve*, That the departure of the nine Lords from Parliament to the King, without Leave, is a high affront and contempt of both Houses. A Committee is appointed to draw an Impeachment against them.

June 13. A Petition from Somersetshire in favour of the King's Proposal for an accommodation, and against the Proceedings of Parliament, is received. The Petitioners are strongly censured. (a)

June 15. The Commons Resolve, That Mr. Barker, Printer to the King's most excellent Majesty, shall satisfy the House, by what Authority he printed a Paper intituled, "The Petition of the Nobility, Gentry, Barons, Ministers and Commons of the Kingdom of Scotland."

An Ordinance is made, "For preventing the Printing or Publishing of any scandalous or libellous Pamphlets, that may reflect upon the King or the Kingdom, the Parliament or Scotland; and for suppressing such as have already been printed."

June 16. On a Call of the Commons' House, Sixty-Five Members are Defaulters.

It is Resolved, by 147 against 91, That the Absent Members shall not sit in the House, till they have made their excuse to the Committee, and their excuse has been reported, and allowed by the House.

(a) On the 15th of June, all the Lords and Counsellors present with the King at York, sign a Declaration disavowing any intentions of raising war. It is subscribed by the Lord Keeper, Littleton, the Duke of Richmond, the Marquis of Hertford, 18 Earls, 15 Barons, and 4 others.

Clarendon says, 212, "There was not left a 8th part of the House of Peers at Westminster, and truly I do not believe there was near a moiety of the House of Commons who continued there."

See, page 217, his reasons why both these Peers and the Commons, by withdrawing themselves from their proper stations, left the other party possessed of the reputation, authority, and power of a Parliament; by which, it was evident the people would be easily, to a great degree, seduced. The whole argument, if it be valid for the period to which it relates, shews most forcibly the danger of temporizing, and the importance of the rule, "*Principis Obsta.*" There was, at this moment, no power of reviving, and no benefit could result from the most earnest and conscientious opposition to a System which these Members themselves had originally sanctioned or feebly opposed, and which now found its chief support in the passions of a misguided and "headstrong multitude."

1642.

A. R.

18

The Question is propounded, "That whatsoever Member shall withdraw himself from the Service of the House without particular leave, shall forfeit £20."

On the Question, Whether this Question shall now be put, the House divides. The Noes go forth. Noes 100, Yeas 79. So it passes in the Negative.

Resolved, upon Question, That the Committee of Privileges shall be revived, as to the Election for Arundell.

Resolved, upon the Report of the Committee for Excuses, "That Sir Peter Temple shall be admitted, and freed from his mulct of £100.

June 17. In the *Commons*, Report is made from a Conference touching a Printed Book full of *Imputations against both Houses*. "By this they do find a *disaffection in those Persons about his Majesty*; and, therefore, it concerns us to take Care, and provide for the Safety of the King and Kingdom."

June 18. The Lords appoint the Lord Wharton, to sit as Speaker this day.

An Order is made to require the Lord Mayor not to divulge the King's Letter against bringing in Money or Plate.

The *Commons Order* the Sheriff of Essex not to publish his Majesty's Proclamation touching the Militia.

They, also, Order, that a Sermon preached by Mr. Cressie, at the Temple, on Sunday, be referred to the "*Committee for Scandalous Ministers*."

June 20. The Commons appoint a Committee to search the Records in the Exchequer and elsewhere, to see what Oath his Majesty took at the Coronation, and what, other Kings, his Majesty's Predecessors, took.

Lord Paget, by Letter to the Lords, gives Reasons for joining the King, saying, "Most true it is that my ends were the common good; and whilst that was prosecuted, I was ready to lay down my Life and Fortune; but when I found a Preparation of Arms against the King under the *Shadow of Loyalty*, I rather resolved to obey a good conscience than particular ends, and am now on my way to his Majesty, where I will throw myself down at his feet, and die a loyal Subject."

June 21. The Speaker of the Lords receives his Majesty's Answer to the 19 Propositions.

The Sheriff and Gentry of Nottinghamshire address their Members "to maintain the Church, his Majesty's Royal Person, Honour and Estate, the Privileges of Parliament, and the Liberties of the Subject."

June 23. The Earl of Salisbury returns to the Parliament.

June 24. A Declaration and Protestation of divers Baronets, Knights, Gentry, Freeholders, and others, of the county of Lincoln, is presented.

The *Commons Resolve*, (July 21) "That it is a false, scandalous, and seditious Petition, a high breach of the Privileges of Parliament, and tending to set division between the King and his People, and that the High Sheriff be sent for as a Delinquent."

June 25. Hall, Sword Bearer to the Lord Mayor, is committed to the Fleet, for proclaiming the King's Proclamation.

June 27. The Lords Dunsmore, Lovelace and Strange are sent for as Delinquents.

The *Commons Debate* on the King's Answer, and *Resolve*, to insist, that the Lord Chancellor or Lord Keeper, the Lord Treasurer, Lord Admiral, Lord Chief Governor of Ireland,

Master of the Wards, the two Chief Justices and Chief Baron, shall be always chosen by both Houses of Parliament.

June 28. The *Lords Resolve*, "That the Lord Mayor shall publish, at his peril, any of the King's Proclamations, AS BEING ILLEGAL, AGAINST THE PEACE OF THE KINGDOM AND THE PRIVILEGES OF PARLIAMENT."

June 30. Lord Say and Seale is commanded to stay, notwithstanding a Command from the King.

On a Report from the Commons' Committee of Excuses, three Members are admitted, and freed from their mulct of £100.

July 1. (*Friday*.) The Commons make an Ordinance for restraining the Publication of Papers, Declarations, &c., in opposition or derogation to the Proceedings of both Houses.

July 2. A Conference is held on occasion of a Book lately set forth, intituled, "His Majesty's Declaration concerning Levies."

The Lords desire it may be considered "into what condition all those Persons are brought who have obeyed the Orders and Commands of the Parliament, and that a speedy course may be taken by both Houses, to provide for the safety of the sitting of the Parliament, and the Lives of Members, and of those who have obeyed their Commands."

July 4. Escott, for words against the Parliament, is committed to safe Custody. "He never knew or heard of a Parliament that did proceed so basely. Many honest men of the House were grieved at their Proceedings, and Mr. Selden, who had more learning than a thousand round-headed Pymms, being demanded why he came so seldom to the House, made answer, That he knew not for what purpose he should come. They were so overborne, there was no good to be one."

The King, by Letter, discharges the Earl of Northumberland as High Admiral, and the Earl of Warwick as Admiral of the Fleet.

It is *Ordered* in the *Lords*, That the Earl of Warwick shall retain his Command.

July 5. The *Commons Resolve*, That Mr. Hall, Curate of the Church in Convent Garden, shall be sent for as a Delinquent, for publishing, in that Church, his Majesty's Declaration.

July 7. An Order is made for the Fleet to put themselves under the Command of the Earl of Warwick.

A Declaration of the County of Hereford against the Parliament, and "the new unheard-of State Law and Logic, which styles *That* a Parliament, which is divided in itself, and severed from the King, the Head thereof," is received. It is *Ordered*, That the Printer be attached.

July 8. A Declaration is agreed to, setting forth the Reasons and grounds that move the Parliament to raise Forces at this time.

The *Commons Order*, That Mr. Dutton, a Minister, be committed to the Gatehouse, "for justifying the foulest and most scandalous Pamphlet ever raised or published against the Parliament," (the Herefordshire Declaration.)

Proceedings are taken against many other Publishers.

July 11. The *Lords* make an Order to attach any one who shall put in execution the King's Commission of Array, in Cornwall.

July 12. A Declaration is made by both Houses, "That no Persons shall be compelled to serve the King against their

1642.
A. D.
19

1642.
A. D.
18

Inclinations, as being against the Laws of the Land, the Liberty of the Subject, and to the disturbance of the public Peace of the Kingdom."

The Commons Resolve, "That this House doth declare that, in this Cause, FOR THE SAFETY OF THE KING'S PERSON, the defence of both Kingdoms, &c., they will live and die with the Earl of Essex, whom they have nominated General."

July 14. Dr. Heywood having desired his Curate to read his Majesty's Declaration, is sent to the Fleet "as a Prisoner," by the Commons.

July 15. The Lords send for the Printers who printed his Majesty's Declaration.

They appoint a Committee to consider of "taking down the Glass Windows in all Churches."

The Commons summon Mr. Prinne, Under Sheriff of Middlesex, as a Delinquent, for publishing the Declaration.

In the Commons, Mr. Whitelocke and Sir. B. Rudyard speak freely against a Civil War. The latter says, "If any man could have credibly told us that within three years ye shall have a Parliament, it would have been good news; that Ship Money shall be taken away by an Act of Parliament, the reasons and grounds of it so rooted out, as that neither it nor any thing like it, can ever grow up again; that Monopolies, the High Commission Court, the Star Chamber, the Bishops' votes, shall be taken away; the Council Table regulated and restrained; the Forests bounded and limited; that you shall have a Triennial Parliament; nay, more than that, a perpetual Parliament, which none shall have power to dissolve without yourselves, we should have thought this a DREAM OF HAPPINESS. YET, NOW WE ARE IN REAL POSSESSION OF IT, WE DO NOT ENJOY IT, although his Majesty hath promised and published he will make all this good to us. We stand chiefly upon further security; whereas, the very having of these things, is a convenient fair security, mutually securing one another. There is more security offered, even in this last answer of the King's, by removing the personal votes of Popish Lords, by the better education of Papists' Children, and by supplying the defects of the Laws, against Recusants; beside what else may be enlarged and improved by a select Committee of both Houses named for that purpose. Wherefore, Sir, let us beware we do not contend for such hazardous unsafe security as may endanger the loss of what we have already. Let us not think we have nothing, because we have not all that we desire; and though we had, yet we cannot make a Mathematical Security. All human caution is susceptible of corruption and failing."

Mr. Whitelocke says, "What may be the progress of Civil War, the Poet tells us,

'Jusque datum Sceleri canimus, Populumque potentem,
In sua, victrici, conversum Viscera, Dextra.'

We must surrender up our Laws, Liberties, Properties and Lives into the hands of insolent Mercenaries, whose Rage and Violence will command us, and all we have. Reason, Honour and Justice will leave our Land; the Ignoble will rule the Noble; Baseness will be preferred before Virtue, and Profaneness before Piety. Of a potent People, we shall make ourselves weak, and be the instruments of our own Ruin. The Duke de Rohan observes of England, 'It is a great Creature which cannot be destroyed but by its own Hand;' and there is not a more likely Hand than that of Civil War to do it."

July 16. A Messenger bringing down a Bill to the Commons, without Reading the Title, "which he ought to have done," the House takes offence, but in regard of great business at that time, takes no more notice of it. 1642. A. R. 18

July 17. On a Division in the Commons, respecting the Alterations of the Treaty by his Majesty's own Hand, the Yeas, for admission, are 69, the Noes, 51.

July 18. The Lords Order the Commitment of the Printers who printed the King's Propositions to Sir John Hotham.

A Censure is passed on the Nine Lords at York. It is Ordered, That they shall not sit or vote in this Parliament, shall not enjoy their Privilege, and shall be committed to the Tower.

July 20. "An Incendiary and factious Fellow," having said, "He hoped no honest, well-disposed man, would join the Parliament. It was an 'Insanum Parliamentum,' worse than that at Oxford, that did traiterously go about to bring in a Democratical Government, and to depose our most Gracious Majesty and all his Royal Branches. There were ten or twelve, the Plotters of this Treason, and unless they were made off either by sword or halter, they would not only bring the rest into the like Treason, but the whole Kingdom to Ruin;" he is Ordered, by the Lords, to be attached.

July 22. On the Impeachment of Sir Robert Gurney, Knight and Baronet, his Counsel object to the reading of a Deposition. The Committee of the House of Commons except against the Pleading of the Counsel at the Bar, to confront the Committee of the House of Commons, who did represent that House, without leave of the House.

The Lords are of opinion, "That this House likes not well the interrupting of the Members of the House of Commons, without asking Leave; and that the Counsel take warning not to do the like hereafter."

It is Ordered, in the Commons, That three Members gone without Leave and Summoned, shall bear the Charge of the Messengers sent after them.

Information is received of Rumours to the Scandal of Parliament in Kent, and of warlike Preparations in divers Places.

July 23. The Lords make an Order to suppress the LEVIES AGAINST PARLIAMENT, and that the Lord General pursue his LEVIES with Vigour and Speed.

The House of Commons send up a Commission to continue the Irish Parliament.

In the Commons, a Declaration is read, in answer to a Declaration and Message from his Majesty, "laying Imputations and Aspersions on both Houses of Parliament."

Sir Simonds D'Ewes saying, "There were many things in this Declaration taken out of other Men's Pockets and Budgets, and before printed," is, by Order, reprehended by the Speaker.

July 25. Information is given to the Commons of a Printed Paper, "a Resolution and Declaration of the County of Hereford," full of Sedition, and scandalous to the just Proceedings of Parliament.

July 26. The Lords sentence Escott to Fine, Pillory, Newgate, and Sureties.

The Gentry of Yorkshire send a Remonstrance to the Houses.

An Order is made for the Indemnity of Persons employed in the Service of the Houses, and that they shall not depart this Service upon any Summons or Command whatsoever.

1642
A. R.
18

Mr. George, Vicar of Cople, Bedfordshire, having received two Declarations from Parliament, and one from the King, with a Command from the Parliament, that he should not publish that from the King, says, "Judge, whether I am to obey God or Man. By God's Word, I am commanded to obey the King. I find no such Command for the Parliament." Upon which he threw away the two Declarations "scornfully."

He is committed to Newgate, and fined £100.

Mr. Merriott, Vicar of Swalcliff, is summoned for publishing his Majesty's Declaration.

July 28. The Lords give Judgment against John Marston, Clerk, who had said, "The Parliament set forth Flams to cozen and cheat the Country, and get their Money, &c."

He is deprived of all Ecclesiastical Preferments, made incapable hereafter to hold Place or Dignity in Church or Commonwealth, imprisoned in the Gatehouse, and ordered to give Sureties.

July 29. The Mayors of Sarum and other Places are committed for publishing his Majesty's Declaration.

Divisions in the Commons are 69 against 51, and 89 against 43.

August 1. (*Monday.*) Mr. Edward Terringham having said, "He would not obey an Order of the Parliament in opposition to the King's Patent, and that whosoever came from the Parliament to lay hand on him, he had that should speed him, and that he was a Man of mettle," is committed by the Lords.

The Commons make an Ordinance for levying Tonnage and Poundage. (c)

Aug. 4. The Commons send up a Message against the Earl of Portland, as not legally fit for the Command of the Isle of Wight, his Wife being a Recusant, and his Brother a Malignant.

The Earl of Portland professes his Loyalty to the King, and his faithfulness to the Parliament, &c. He is committed to the Sheriff's care, and the Earl of Pembroke is ordered to secure the Isle of Wight.

In the Commons, Serjeant Hide not having moved the House against one who said, "The Parliament were all Rebels," is disabled to serve any longer in the Parliament, and is sent to the Tower.

Aug. 5. The Lords receive divers Informations out of Somersetshire, and send for many Persons as Delinquents.

The Commons disable Sir Ralph Hopton and Mr. Thomas Smyth from sitting, and commit them, for "Passages," at Shepton Mallet, concerning the King's Commission of Array.

It is Resolved, That Mr. John Digby be disabled, and sent for as a Delinquent.

Aug. 8. Mr. Stephen Jackson having said, "That, upon Condition, Three or Four of the Parliament were hanged, he would hang with them," is committed to the Gentleman Usher.

The Lords send a Message to the Commons, "They have sent for Lord Mohun, and desire the Commons will join in sending for Sir Nicholas Slanning, Sir Bevill Greenvile, Mr. Arundell, Junior, their Members, and others from Cornwall, as Delinquents;" to which the Commons agree.

Both Houses declare against the late Yorkshire Petition, "as one of the highest and most insolent that ever came to Parliament."

Sir John Pawlett and Sir John Stoell, Knights for Somerset,

(c) On the Illegality of this Procedure, see Clarendon, V. 229.

are disabled for endeavouring to execute the Commission of 1642.
Array, and new Writs are Ordered. A. R.
18

Aug. 9. The *Commons* disable Sir N. Slaning, and summon their other two Members.

Aug. 11. The King's Letter is read, for Suppressing the Rebellion under the Earl of Essex, with his Majesty's Pardon, &c.

The *Commons* disable Mr. Edward Hide, and three others, and Order new Writs.

It is *Resolved*, "That they (the *Commons*) shall maintain and assist the Earl of Essex with their Lives and Estates, and that a Form of Covenant against the King's Proclamations, shall be prepared."

Aug. 12. The *Commons* disable Mr. John Coventry and Sir Edward Rodney, and forthwith summon Sir Thomas Jermyn and Mr. H. Coke.

Aug. 13. The *Lords* make an *Order*, That the Deputy Lieutenants do not put the Commission of Array in Execution; and Declare against the King's Proclamation relating to the Earl of Essex.

The *Commons Resolve*, that W. Marquis of Hertford, Spencer, Earl of Northampton, H. Hastings, Esq., second Son of the Earl of Huntingdon, shall be accused of High Treason, FOR LEVYING WAR AGAINST THE KING AND KINGDOM; AND THAT ALL SUCH AS ASSIST HIS MAJESTY, ARE TRAITORS TO HIS MAJESTY, the Parliament, and the Kingdom, and shall be brought to condign Punishment, for so high an Offence."

The King's Printer is *Ordered* not to print any thing by Warrant from his Majesty, that concerns the Parliament.

Aug. 16. The *Lords* send for a Minister from Bedfordshire, who had preached to the Scandal of Parliament.

The Devon Petition to the Parliament and King is received.

Ordered. Mr. Rushworth to be paid £150 for his pains and fidelity in several Services.

An *Order* is made to Suppress the Commission of Array.

The *Commons* disable Mr. Nicholas Weston and Col. Goringe.

It is *Resolved*, That Alderman Pennington, elected Lord Mayor, has Leave to attend the Trust and Charge, and remain, notwithstanding, a Member of this House.

Aug. 17. The *Lords Order* the Earl of Suffolk to attend the House, against the King's Command.

The King's Proclamation for Assistance, is read, and that he will set up his Standard at Nottingham, on Monday, the 22nd of August.

The Committee is to report the Names of absent Members, not in the Service of the House.

Aug. 19. Mr. Edward Jeffrey, Vicar of Southminster, is sent for as a Delinquent, for Words spoken against the Parliament.

Aug. 20. The *Lords* pass an *Order* of Indemnity to Oliver Cromwell, &c., for staying Plate going to the King, from Cambridge.

The *Commons Resolve*, That Sir J. Packington, Sir H. Herbert, and Mr. S. Sandys, shall be disabled, for assisting the Commission of Array, declared Illegal by the Parliament.

A Committee is to prepare a Declaration concerning the disabling of divers Members, and the Causes, and to consider of some convenient way for the House to be filled.

Aug. 22. The *Commons* disable Mr. Jervase Hollis, and summon others, for scandalous Words.

1642.

A. D.

18

Aug. 23. The Earl of Bath, for a Letter, with Reasons why he absents himself from Parliament, is sent for as a Delinquent. The Commons summon the Printer of the University of Cambridge for a Book, and, next day, make an Ordinance to restrain the unbounded License of Printing.

Aug. 25. The King, on setting up his Standard, sends a Message for Peace.

In the Commons, Mr. Clerke, Vicar of Andover, having said, "Rather than Mr. Symonds should preach there, by Order of Parliament, he would lose his life; that the Church was as much his own as his House, and he would hold his Right, let Parliament do what they would;" is committed to the King's Bench.

Mr. Lake, Curate of Greenwich, having read the Kentish Petition, and the Instructions presented to his Majesty at York, and suppressed by this House, is sent for as a Delinquent.

Aug. 26. The Lords make an Order against Printing the Proceedings of Parliament, but by Authority.

Aug. 26. Sir W. Widdrington, and Sir W. Carnaby, by Resolution of the Commons, are disabled, for neglecting the Service of the House, and raising Arms against the Parliament.

Ordered. The Lord Mayor to be required not to publish the Proclamation concerning the Setting up of the King's Standard.

Ordered. Proceedings to be taken concerning irregular Printing against the Houses of Parliament.

Aug. 27. The Earl of Southampton brings a Message of Peace from the King, and taking his Place in the House, is ordered to withdraw. The Lords refuse the Message from his hands, but will accept it from their Gentleman Usher. The Earl, with difficulty, accedes, and is Ordered "forthwith to depart this Town."

In the Commons, Mr. Speaker had received a Letter from Sir John Colepepper, Chancellor of the Exchequer, bringing a Message from his Majesty, and asking Leave to come to the House.

The Question is put, whether the Question for disabling Sir John Colepepper to sit as a Member, be now put. The House divides, Yeas 26, Noes 69.

Sir John Colepepper acquaints the House that he could not deliver the Message, but as a Member of that House. He is brought in by the Serjeant, and informed by Mr. Speaker that he has leave.

Having delivered a written Message, he withdraws.

Resolved. This House cannot give answer till the Proclamation and Declaration be recalled, whereby the Earl of Essex, and both Houses of Parliament, &c., are declared Traitors, and until the Standard be taken down. The Lords negative this Resolution.

On a Conference, a Form of Answer is assented to, and delivered to Sir John Colepepper.

Resolved, That the Lord General be directed to advance with all possible speed.

Aug. 29. Ordered. Mr. Kirkeby and Mr. Orlando Bridgman to be disabled.

Aug. 30. The Gentleman Usher petitions the Lords, that his Prisoners may not be attached by the Serjeant at Arms of the House of Commons.

The Commons disable Sir Richard Cave, and summon W. Stanhope, Esq.

The Commons Order, That a List be made of all Members turned out of the House.

Resolved, John, Lord Pawlett, F. Lord Seymour, Sir John Pawlett, and Eleven other late Members, to be accused of High Treason; and James, Lord Strange, Lord Marquis of Herts, the Earl of Northampton and H. Hastings to be required by the Lords to appear by a certain day. 1642.
A. D.
18

Aug. 31. It is *Ordered* in the *Commons*, That a Message be sent to the Lords to put down all Stage Plays, during this time of distraction and fasting; and that they be moved to join in an Order to send the Capuchins out of the Kingdom and to demolish their Convent,

Sept. 1. (Thursday.) *Ordered* in the *Commons*, All Members that shall appear on summons, and shall go down again without leave, to be disabled to sit any longer as Members.

Resolved, *Nemine Contradicente*, "The Government of the Church by Archbishops, Bishops, their Chancellors and Commissaries, Deans, Deans and Chapters, Archdeacons, and other Ecclesiastical Officers, hath been found by long experience to be a great impediment to the perfect Reformation and growth of Religion, and very prejudicial to the State and Government of this Kingdom, and the House doth *Resolve* to take them away."

Resolved, Mr. John Russell, a Member, to be committed to the Serjeant-at-Arms during pleasure, and the cause of his absence considered.

Sept. 2. In the *Lords*, Sandeford is sentenced to Fine, Pillory, Whipping at the Cart's Tail, and committal to Bridewell for Life, for saying, "The Earl of Essex was a Traitor, and if any one should kill him, the King would protect him; That he hoped to see King Pym and Sir John Hotham hanged; That the Earl of Warwick was a Traitor, and he hoped to see the Earl of Essex's head off."

The *Commons* disable Mr. Chr. Lukener.

The Question, Whether the Question be now put that Sir John Strangeways be disabled, is *negatived* by 40 against 29.

Ordered, That certain Members reported, be suspended, till the cause and time of their Absence be examined and further order made.

Sept. 5. It is *Ordered*, in the *Commons*, That Lord Falkland coming with a Message for Peace from his Majesty, be received as Sir J. Colepepper was.

He delivers his Message in Writing, which is twice read.

It is *Resolved*, that their Arms shall never be laid down, until his Majesty withdraws his Protections from such as have been by both Houses, voted Delinquents.

Resolved, That Sir W. Savile, Mr. Henry Bellassis, Mr. Jo. Bellassis, Sir Henry Slingsby, Sir Thomas Danby, Sir George Wentworth, of Wolley, Sir Thomas Ingram, Mr. William Mallory, Mr. Richard Aldborough, shall be disabled for sitting any longer.

Resolved. Sir John Mallory to be summoned for this day three weeks at farthest. Sir John Strangeways to be disabled; Sir Edward Alford and Mr. White to be summoned.

Resolved. This House to concur with the Lords in setting forth a Declaration to shew the People the great Obstruction to Justice by the taking and detaining of the Great Seal out of the Custody of the Lord Keeper.

Resolved. Sir Richard Lee and Sir Robert Howard to be disabled.

1642.

A. N.

18

Sept. 7. A Bill is once Read, to restrain Peers, made here after, from sitting or voting in Parliament.

Resolved, Sir Christopher Hatton, Sir Robert Hatton, Mr. Jeffrey Palmer, Mr. Henry Coke, Sir Thomas Fanshaw, to be disabled.

Ordered. A Declaration to satisfy the Kingdom concerning the putting out of these Members, and the Committee to consider "*How the House may be replenished.*"

The Impeachment of James, Lord Strange, Son and Heir Apparent of William, Earl of Derby, is read and assented to.

Sept. 9. The *Lords Order* a Pamphlet, "King James's Judgment of a King and of a Tyrant," to be burnt by the common Hangman. The *Commons* concur.

Sept. 12. The *Commons* disable Mr. Richard Rogers and Mr. Richard Herbert.

Sept. 13. A *Third Message* for Peace from the King is referred to a Committee.

Sept. 14. Lord Lovelace having returned from York, submits to the Parliament, and is received upon his Acknowledgment.

The *Commons Order* an Impeachment of High Treason against the Earl of Lindsey, the Lord Willoughby, his eldest Son, and others, for levying War *against the King* and Parliament.

Sept. 15. An Answer to his Majesty's Message is assented to, and sent up to the Lords,

Sept. 16. Mr. Chicheley is disabled.

Ordered. All Members to attend by Michaelmas Day at farthest, except those in Service of the House.

A Committee is to inquire and receive Informations concerning Members and others *who have incited his Majesty to this War against his Parliament.*

Ordered. Two Stationers to be summoned for Printing a scandalous Book.

Sept. 19. Answers are read from Lord Mohun, Sir Beville Greeneville, and Mr. John Arundell, of Treviso, with the King's Warrants, "that they continue in the County, and preserve the Peace."

The *Lords* declare such Warrants Illegal.

Resolved, in the *Commons*, Sir Beville Greeneville to be disabled. Sir Jervois Clifton, and Sir Roger Palmer, to be summoned.

Sept. 21. The Mayor of Chichester is brought to the Bar, and admonished, for publishing *Illegal Proclamations of the King.*

Sept. 22. It is *Ordered* in the *Lords*, That the whole Estate of the Lord Capell be sequestered.

Resolved in the *Commons*, The Lord Viscount Falkland to be disabled.

Declarations are made against divers Troops of Horse and Companies of Foot, that do not obey the Lord General's directions.

Instructions by the Lords and Commons *now in Parliament*, are delivered to his Excellency, Robert, Earl of Essex, General of the Army.

Sept. 23. The *Commons Resolve*, That Sir Fred. Cornewallis shall be disabled.

Sept. 24. *Resolved* in the *Commons*, On the humble Petition of John Russell, Esq., a Member, that he be discharged, and admitted into this House.

Sept. 26. The *Commons Resolve*, That Three Pounds, per diem, be allowed to each of the Members going as a Committee

into Ireland, to commence at the time of their taking journey, and to have £250 a-piece, advance money, towards their Charges.

1642.

A. D.

Resolved, Mr. Jackson, for a Sermon, at St. Giles', without Cripplegate, to be committed to the Counter.

15

Sept. 27. The Commons *Resolve* upon "an Impeachment of High Treason against Sir Thomas Salisbury, Sir Robert Cholmely, Viscount Kelly, Sir Robert Fitton, Bart., Sir Thomas Aston and Hugh Calveley, Esq., High Sheriff of the County Palatine of Chester, FOR WAR AGAINST THE KING AND HIS GOOD PEOPLE, &c."

Sept. 29. The Commons *Order* Proclamations for the appearance of Impeached Persons by a certain day, &c.; and that their Rents be sequestered.

Sir Ralph Sydenham is disabled.

A Division takes place of 53 to 36.

October 3. (Monday.) The Commons *Resolve* on a Clause in his Majesty's Answer, against Petitions being brought by those, whom, by name, he hath accused of High Treason, "That it doth not stand with the Honour and Privilege of Parliament, that a Petition from both Houses should be delivered with any such Restraint or Exception."

Oct. 4. Mr. Charles Price is disabled.

Oct. 5. *Resolved*. A Pamphlet, "A Speedy Post from Heaven to the King of England," to be publicly burnt, and the Author and Printer found out.

Oct. 7. The Commons, at a Conference, insisting that the Lord General shall himself deliver the Petition of both Houses to the King, the Lords alter it, "By himself, or such hands as he shall think fit;" to which the Commons agree.

Oct. 8. *Resolved*, The Printers and Publishers of a Letter from the Lord Falkland to the Earl of Cumberland, concerning the Action at Worcester, to be sent to Newgate, and the Letter burnt, "half in Cheapside and half in Palace Yard."

Oct. 12. Mr. Fountaine is brought to the Commons' House as a Delinquent, for contempt to the Committee in refusing to give any answer, when demanded, whether he would contribute in this time of common danger. He now answers, "He conceives it is against the Petition of Right."

It is *Resolved* that he be committed to the Gatehouse during pleasure; and that a Declaration be prepared, "That such demand is according to Law, and a mark of malignity and disaffection shall be set on such as refuse."

Oct. 13. Mr. Darell having said, "Mr. Pymme took a Bribe of £30," declares he had never any true ground, makes acknowledgment upon his knees, and on first day of next full Term, is to make the same at the King's Bench Bar, the Common Pleas' Bar, and the Exchequer Bar, the Courts sitting.

Oct. 14. Mr. Hughes, Parson of Sheperton, having said, "There are younger Brothers, who, if the King will give them Pillage, will make the round-headed Rogues shake, and that it was fit the King should have some of the traitorly Rogues," is committed to New Prison, Middlesex, during pleasure.

Ordered, Sir John Lenthall to lay Irons upon such Prisoners in the King's Bench as shew themselves disorderly and mutinous.

Oct. 15. A Bill is sent up "For calling an Assembly of godly and learned Divines to be consulted with by Parliament, for settling the government of the Church of England, &c."

The Lords agree with the Commons, "That the Fines, Rents

1642.

A. D.

18

and Profits of Archbishops, Bishops, Deans, &c., shall be sequestered; and that the King's Revenues shall not be issued, but by order of both Houses."

An Order is made for the Trained Bands to be in readiness.

Mr. Fletcher, in the *Commons*, having refused an Answer respecting the Contributions, now says, "The doubt that remained with him was, that the Command of the King did lie with him not to lend. He had no command to lend, if he had, he would lend."

Mr. Speaker, by command of the House, informs him, "No such command ought to hinder him or any Subject else *from preserving the Commonwealth*."

Ordered, The like Wages to be paid to the Burgesses that serve for Lynne Regis, as have been formerly paid to such Aldermen as have heretofore served for the said Town, unless the Corporation shew cause to the contrary.

Oct. 17. A Conference is held on the discharge of the Lord Chief Justice of the King's Bench, by the King. There being but three Judges left, Berkeley, Heath and Mallett, Heath being with the King, Mallett committed to the Tower, and Berkeley being impeached, it is *Resolved*, That Justice Berkeley, having carried himself with modesty and humility, and inoffensively to both Houses, be pitched upon for keeping the *Essoigns* on Thursday next.

Oct. 19. Lord Coventry submits to the House, and his Sentence of Impeachment is remitted.

In the *Commons*, it is *Ordered*, That seeing the necessitous condition whereunto divers Persons of Quality and others, Professors of the Protestant Religion are reduced in Ireland, Three Thousand Pounds shall be issued for relief of those disturbed and despoiled British Subjects.

Ordered, A Conference for a Committee to prepare a Declaration and form an Association, for defence of the Protestant Religion, the Privileges of Parliament, and the Liberty and Property of the Subject.

Oct. 22. Three Orders are made in the *Commons*, on information of his Majesty's approach to the Parliament and City, "*with intent to destroy both Parliament and City*."

Oct. 24. An Order is made to remove the King's Children, now at St. James's, to some convenient House in London.

Ordered, A gentleman of Kent, that goes under the name of the Lord Moulineux, to be apprehended for great disservice to the Commonwealth.

Oct. 25. *Ordered*, The Prayer used by Mr. Speaker to be considered in Committee.

Sir John Evelyn refusing an answer on the vote for assisting the Earl of Essex, "*IN THIS CAUSE UNDERTAKEN FOR THE PRESERVATION OF HIS MAJESTY'S PERSON, &c.*" it is Found, "That if any Member might have liberty when a Question was proposed, to refuse an answer, it would destroy the course and Proceedings of Parliament."

Resolved, Sir John Evelyn, who serves for Blechingley, Surrey, to be suspended during pleasure for refusing an answer to a vote propounded according to the fundamental Orders of Parliament.

Resolved, That he be disarmed and committed to the Tower.

Sir John Evelyn, the 22, accedes to the vote, and offers to lend

£100, which the House accepts, and revokes the former Votes and Sentence. (d) 1642.

Oct. 28. Mr. Cheslyn, Parson of St. Matthews', Friday Street, for scandalous words, in several Sermons, against the Parliament, is committed to Colchester Gaol. A. R. 18

Nov. 1. (Tuesday.) The Sheriff of London is enjoined not to publish "His Majesty's gracious Proclamation to the Cities of London and Westminster."

Ordered. All Members that live within 60 miles of London, and are not in the service of the House, to attend within three days: All others within eight days, and such as do not come, to be sent for by a Messenger, and they to bear the Charges. (e)

Resolved. Divers gentlemen to be sent for as Delinquents, and disarmed, for refusing to contribute.

Ordered. To disarm all Popish Recusants, &c.

Nov. 2. Ordered. A Committee to search the Studies, Libraries and Papers of Dr. John Price, and he to be committed to Newgate, for composing and publishing a Book against the Parliament.

The Commons adopt the Lords' Amendments to a Bill "For suppressing Innovations in Churches and Chapels, and for better observation of the Sabbath."

W. Darke, against whom was a Letter of Informations, denies all the particulars.

Resolved. That he be forthwith committed to Newgate.

Nov. 3. Resolved. A Petition from both Houses to be presented to the King by both Houses, and a Letter signed by the Speaker of the House of Peers, to be sent by a Gentleman, with a Trumpeter.

Nov. 4. Ordered. Mr. Barker, Printer to the King's Majesty, to be summoned for Printing the Proclamation, intituled, "His Majesty's gracious Pardon to the Cities of London and Westminster."

Nov. 5. A Letter from his Majesty, signed by Edward Nicholas, Redynge, 4 Nov., 1642, is read.

Resolved. This House doth protest and declare against any such Message as this, as absolutely against the Privileges of Parliament, to admit of any exception to any Member of either House, for carrying any Message from the Parliament to his Majesty, being required by direction of both, or either House; and that the Letter of Mr. Secretary Nicholas to the Speaker, be referred to the Committee for the safety of the Kingdom.

(d) In his relation to the Parliament, of the Battle of Edgehill, (Oct. 27) Lord Wharton states, "That it was conceived there were slain of the King's Party, 3,000, and on the Parliament's side, not above 300."

Lord Clarendon, VI. 253, says, "The whole number slain was above 5,000, of which Two Thirds were of the Parliamentary Army, and One Third of the King's."

(e) The Parliamentary History, XII. 1, gives a Summary of the Divisions which had occurred during the last four months, from which it appears that the thin attendance in the House was the occasion of this Order.

| | |
|------------------------|-------------------------------------|
| June 27, 42 against 27 | July 2 ^d , 82 against 32 |
| .. 30, 49 .. 35 | Aug. 15, 42 .. 33 |
| July 9, 125 .. 45 | .. 17, 43 .. 16 |
| .. 19, 69 .. 51 | .. 27, 69 .. 26 |
| .. 53, 89 .. 43 | Sept. 2, 40 .. 29 |
| .. 26, 50 .. 33 | .. 29, 33 .. 36 |

In October, not one Division is entered. The largest number present was 170, and the lowest 59. The average of those present on twelve Divisions was 57.

In August, 24 Members were expelled for various reasons. In seven of these cases, no new Writs appear to have been issued. In September, 25 were expelled, and only two new Writs were ordered.

1642.

A. R.

18

P. M. *Resolved.* The names of the four gentlemen formerly nominated, Lord Wenman, Mr. Pierpoint, Sir John Hippisley and Sir John Evelyn, of Wiltes, to be sent unto his Majesty for a safe conduct.

The Lords are desired to take the same care as to any four they may name.

Ordered. To inquire of the Lords whether there is any urgent necessity to sit To-morrow (Sunday.)

It is answered, "The Lords will sit at Eight."

Nov. 7. On the reading of a Petition of divers Aldermen and others of the City of London, in Gresham College and Crosby House, it is *Ordered*, That the Mayor take care forthwith to send all those who have subscribed it, to several Prisons, to be detained as Prisoners during pleasure.

The King's Safe Conduct having been received and read, it is *Resolved*, This House holds it to be a denial in his Majesty, and a refusal to grant a Treaty with the Parliament, in excepting unto one of the Messengers, and denying him a Safe conduct; a Declaration on this denial to be prepared.

Ordered. The Proclamation of his Majesty's Grace, Favour and Pardon, not to be proclaimed or published by any Mayors, Sheriffs, or other Persons whatsoever.

Nov. 8. A Warrant from the Sheriff of the County of York to Mr. Rushworth, to amend the Indenture of Return for Knaresborough, is read and allowed, and the Clerk of the Crown being called to the Bar with the Indenture, Mr. Rushworth there amends it.

Nov. 14. *Ordered.* Winchester House, in St. Mary Overies, Southwark, to be forthwith delivered up, to make a place for the keeping of Prisoners, in these dangerous and troublesome times.

Nov. 15. Sir John Merrick, a *Commander in the Army*, is reported to have said, "The House of Commons went too high."

Nov. 17. *Resolved.* *Notwithstanding the Information against Sir John Merrick, Serjeant-Major-General of the Army, the House doth still hold their good opinion of him and his service, and doth desire him to repair to his charge, and continue the performance of it with the same care and affection to the service, as he hath formerly done.*

Nov. 18. The Lords Order the Judges to sit, and not adjourn the Term, notwithstanding the King's Proclamation.

The Commons *Resolve*, That it is lawful for all such Persons as shall be attempted to be disarmed by any Authority but by Order of both Houses of Parliament, to gather and assemble together to make Resistance, and if they kill or slay any that oppose them, they shall be protected by the Authority of Parliament.

Nov. 21. His Majesty's Message, sent to both Houses, on Saturday last, is read. Divisions take place upon it, of 75 against 65, and of 67 against 66.

Nov. 22. It is *Resolved* in the Commons, That the Process and Justice of Parliament, being the Supreme Court of Judicature, may have its free course and be exercised upon Delinquents, and that they may not be protected and kept from the Justice of Parliament.

Resolved, That Religion, Laws and Liberty may be secured by the advice of Parliament.

Nov. 23. The Commons Order, That on Friday next, the House shall consider a *General Assess to be laid throughout the*

whole Kingdom for the supply of the great occasions of England and Ireland. 1642.

P. M. *Resolved*, Sir W. Morley, Sir Thomas Bowyer, Mr. Mayo, and Mr. Leeds, shall be disabled, &c; Sir W. Morley be impeached, and fourteen others sent for as Delinquents. A. R. 18

Report is made from a Conference upon an Answer to his Majesty's Message, desiring his Return, "with his Royal, not his Martial Appearance."

Nov. 24. *The Commons Resolve*, That Sir Richard Leveson and Sir Harvey Bagott, shall be disabled, &c., and others be summoned, as Delinquents.

On the Question, Whether the King's Servant shall have Mr. Speaker's Warrant, to go to the King, to carry him Stockings and other Necessaries, the House divides: Yeas 26, Noes 18.

Nov. 25. The Earl of Manchester is appointed Speaker in the Lords, in place of Lord Grey de Warke.

An Ordinance is sent up to the Lords, for assessing Non-contributors to the Parliament Army, which passes on the 29th.

Nov. 26. *The Lords Order* the Mayor of Exon not to publish his Majesty's Proclamation of Nov. 9th.

The Commons Order that the Masters and Keepers of the several Prisoners make no Return of Prisoners committed by the Houses, or by any Committee, and that no such Return be received or allowed without first acquainting one of the Houses of Parliament therewith. The Clerk of the Crown Office in the King's Bench is to see this Order fully observed, and the Form of a Warrant for Committing to Prison by Authority of the Houses, to be prepared.

Nov. 29. *Ordered*. The Burgesses for Southampton and Mr. Alford to be summoned.

Dec. 1. (Thursday.) *Resolved*, Sir Thomas Germin, Sir Robert Coke, Henry Coke, Esq., and Mr. Scrivener, to be sent for as Delinquents, for not appearing on Summons.

Dec. 2. *Ordered*. Mr. Gallop and Mr. Exton, Members for Southampton, to be brought up in safe Custody. Two Parsons, and six others, to be sent for as Delinquents. Sir William Brockman to be committed to Winchester House.

Dec. 3. The Vote of Sir Sidney Montague being demanded for adhering to the Earl of Essex, &c., he gives the Negative Vote.

The Question being put, "Whether the Question for disabling him to continue any longer a Member be now put," It passes Affirmatively. On the Question for disabling him, the House divides, with Yeas 40, Noes 45.

It is *Resolved*, That he be disabled, secured, and committed to the Tower.

Resolved, upon the Question for Assessing Monies, "That no Man shall be assessed at above the Rate of the Fifth Part of his Estate in Lands, and the Twentieth Part in Personal Estate, and that every Man be Assessed in every several County where his Land or Personal Estate lies.

Dec. 6. It is *Declared* to be lawful for any man to sue and proceed according to Law against any Man that shall be a Prisoner, or under Restraint, by Order of this House.

Resolved, That Twelvence in the Pound be Assessed on all Lands, Offices, Rents, Issues, Profits, Revenues, Annuities, Pensions, Tythes and Glebe, through England and Wales, to be paid Quarterly, for one whole year.

1642.

A. D.

18

That 5s. in the Hundred Pound be assessed upon Farmers Stock.

That 6s. 8d. in £100 be Assessed on Goods of Merchandize and Trade, and upon Stocks of Money.

Dec. 7. Ordered. Mr. Rigby, Mr. Strode, and Mr. Hill, to lock up and seal the Doors of the Chapel of the Rolls, and deliver the Keys to the Speaker; also to take possession of the House of the Master of the Rolls, and keep it for the use of Mr. Speaker.

Resolved. A Person to be nominated by both Houses, as Master of the Rolls, and any other to be displaced by Authority of both Houses.

Resolved. This House doth nominate and appoint W. Lenthall, Esq., Speaker, to be Master of the Rolls; the House in Chancery Lane to be delivered to, and all the Profits to be invested in, him.

On a Question, the House divides, Yeas 30, Noes 29.

Dec. 10. Resolved, Sir John Spelman, Knight, Sir W. Doyley, and several others, to be sent for as Delinquents, for affronting the Committees.

Dec. 12. Resolved, Mr. Godfrey, Master of the Bear Garden having said, "He would cut the Throats of those who refused to sign a Petition," that he be committed to Newgate, and the Game of Bearing be not used in these times of distractions, till the House doth give further Order.

Dec. 14. Resolved. Mr. Snow and Mr. Walker, Members, who have neglected frequent Summons, to be brought up at their own Charges.

Dec. 15. Resolved, That the Members of the House of Peers shall be assessed by that House only.

Resolved, (by 43 against 40.) That the House of Commons shall tax their own Members.

Resolved, That the Assistants of the House of Peers shall be assessed by that House.

In answer to these Ordinances, the King publishes a "Declaration to all his loving Subjects." "If there could be yet any understanding so unskilful and supine to believe that these Disturbers of the Publick Peace, do intend any thing but a general Confusion, they have brought them a sad Argument to their own doors to convince them. After this Ordinance and Declaration, it is not in any sober man's power to believe himself worth any thing, or that there is such a thing as Law, Liberty, or Property, left in England, under the Jurisdiction of these men; and the same Power that robs them now of the twentieth part of their Estates, hath, by that, but made a claim, and entitled itself to the other nineteen, when it shall be thought fit to hasten the General Ruin. If the minds of all men be not stubbornly prepared for Servitude, they will look on this Ordinance as the greatest prodigy of arbitrary Power and Tyranny, that any Age hath brought forth in any Kingdom.

"Is the Liberty which distinguishes Subjects from Slaves, and in which this free-born Nation hath the advantage of all Christendom, dear to them? They shall not only be imprisoned in such places of the Kingdom (a latitude of judgment no Court can challenge to itself in any cases) but for so long as the Committee of the House of Commons for Examination shall appoint and order; the House of Commons itself never having assumed, or, in the least degree, pretended to a power of Judicature, having no more authority to administer an oath (the only way to discover and find out the truth of facts) than to cut off the heads of

any of our Subjects; and this Committee, being so far from being a part of the Parliament, that it is destructive to the whole, by usurping to itself all the power of King, Lords, and Commons. 1642.
A. R. 18

"All who know anything of Parliaments, know, that a Committee of either House ought not, by the law, to publish their own Results; neither are their Conclusions of any force without the confirmation of the House, which hath the same Power of controlling them, as if the matter had never been debated: But, that any Committee should be so contracted (as this of Examination, a style no Committee ever bore before this Parliament) as to exclude the Members of the House, who are equally trusted by their Country, from being present at their Counsels, is so monstrous to the Privileges of Parliament, that it is no more in the Power of any man to give up that Freedom, than of himself to order that, from that time, the Place for which he serves, shall never more send a Knight or Burgess to Parliament; and, in truth, is no less than to alter the whole Frame of Government, to pull up Parliaments by the Roots, and to commit the Lives, Liberties, and Estates of all the People of England to the Arbitrary Power of a few unqualified Persons, who shall *dispose thereof according to their discretion, without account to any Rule or Authority whatever.*

"Is there any thing now left to enjoy, but the Liberty to rebel, and destroy one another?"

"How many Persons of Honour, Quality, and Reputation of the several Counties are now imprisoned without any Objections against them, but Suspicion of their Loyalty &c.?"

"Our good subjects will no longer look upon these and the like Results, as upon the Counsels and Conclusions of both our Houses of Parliament, though, all the world knows, even that authority can never justify things unanswerable by Law. They well know how few of the Persons trusted by them are present at their Consultations; of above 500, not 30; and of the House of Peers, not above a Fifth Part; that they who are present enjoy not the Privilege and Freedom of Parliament; but are besieged by an Army, and awed by the same Tumults, which drove us and their Fellow-Members from thence, to consent to what some few seditious, schismatical Persons among them do propose.

"These are the men, who joining with the Anabaptists and Brownists of London, first changed the Government and Discipline of that City &c. These are the men who have presumed to send Ambassadors, and to enter into Treaties with foreign States, in their own Behalfs. These are the men, who not thinking they have yet brought mischief enough upon this Kingdom, at this time invite and solicit our Subjects of Scotland to enter this Land with an Army against us.

"In a word, these are the Men, who have made this last devouring Ordinance, to take away all Law, Liberty and Property from our People; and have, by it, really acted that upon our People, which, with infinite malice, and no colour or ground, was laboured to be infused into them, to have been our Intention by the Commissions of Array, &c. &c."

Dec. 17. The Lords reject a Petition from Westminster, for being brought in, in a tumultuous way. "This House is unsatisfied with their coming thus in numbers, to the Parliament; but if they will come on Tuesday, with a small number, the House will consider it."

The Lords resent as a great abuse, the Printing of the London

1642.

A. D.

18

Petition before it was presented, and send for the Printer to answer the same.

A Committee is to consider of "Scandalous Pamphlets."

Carre, a Constable, having desired Battersby to set his hand to a Petition framed in Westminster, and not only his hand but his heart, and stand up and fight for it, adding, the House of Commons hath already set forth an Order, or Ordinance, for taking the Twentieth Part of every man's Estate, and, by the same Law, may take the other Nineteen, and they that refuse, must be banished from their Wives and Children. "Is it not now time to stand up?" It is *Resolved*, in the Commons, That Carre be summoned as a Delinquent.

Resolved. Sir John Coke, Sir Guy Palmes, and Mr. Noell, Members, to be forthwith summoned, and the Lords to be moved to send for the Lord Campden.

Dec. 22. The Lords agree with the Commons' Declaration, for vindicating the Parliament from Imputations cast on them, for employing Papists in the Army.

Petitions from Bedfordshire, London, and St. Andrew's, for Peace, and a happy Agreement between the King and the Parliament, are received.

Dec. 23. In the Commons, it is *Ordered*, That Mr. Glyn, Mr. Whitlock, and Mr. Hill, secure the Public Library, Books, Writings, Evidences, and Goods, in Lambeth House, belonging to the See of Canterbury, and take the Keys; and the Committee for Prisons are to prepare an Ordinance for regulating Lambeth House, as Winchester House is regulated.

Dec. 24. The Earl of Carlile petitions to be restored to his Seat, and is admitted.

Dec. 26. On the Question for the discharge of Sir Thomas Jermyn, the Commons' House divides, Yeas 65, Noes 56.

Resolved, on the Propositions to be made to his Majesty, to desire his Majesty will be pleased to leave all Delinquents to the Justice and Proceedings of Parliament.

Resolved. The House to declare in particular the Delinquents against whom they will proceed.

Dec. 27. A Bill against Pluralities is twice read. The Question for the Commitment passes in the Negative. The Question is put for the Ingrossing. It is *Ordered* to be forthwith Ingrossed.

Dec. 29. *Resolved*. A Message to be sent to his Majesty to expedite my Lord Leicester to Ireland, or to declare his exceptions to him, or else to dispatch such a Personage thither as both Houses may confide in: And if neither of these be assented to, to declare the Parliament will no more manage the Affairs in Ireland.

Upon a Question of revoking an Order, the House divides, Yeas 53, Noes 49. Other Divisions are 76 to 59, 64 to 52, 64 to 54.

Resolved. To proceed against Lord Digby, and the Earl of Newcastle.

Dec. 30. "The Lords and Commons, for divers weighty Reasons, having declared that they intend altogether to abolish and take away the Jurisdiction and Office of Archbishops, Bishops, Deans, Deans and Chapters, &c., within the Realm of England and Dominion of Wales, this day *Order*, that John Harvey, Clerk, be instituted to the Vicarage of Charde, Somerset, now void, and that an Injunction be laid on the Bishop and Archdeacon of Bath and Welis to induct no other."

The *Commons Resolve*, That His Majesty be desired to remove the Earl of Bristol from Court and Office. A Division occurs of 61 against 48.

Resolved. His Majesty to be desired to appoint the Persons now named, to 12 Public Offices.

Jan. 2. (*Monday*) The Lords refuse a Petition from the Apprentices of London, as brought in a tumultuous manner. They are reprimanded for disorderly behaviour but their Petition is received on the following day. "It prays the Lords to ponder and prosecute their pious intentions for Peace, leaving no just way unattempted, that the undiscerning Sword be not umpire to decide controversies of so near discernment: neither that they would give Audience to Incendiaries whose only view, they fear, is to prey upon the Lives and Livings of His Majesty's loyal subjects." 1643. A. R. 18

John Wright is committed to the Counter for a Book against the Parliament, "A Complaint to the House of Commons," which is to be burnt &c.

The Commons divide, yeas 70, noes 57.

Jan. 3. It is *Ordered*, that Eley House be delivered to the Serjeant-at-Arms, for securing Delinquents, and that for reparation of said House, a Competency be allowed out of the Bishop of Eley, his Rents.

Jan. 4. The Lords make an Order, "to compel Soldiers to come to their Colours."

Jan. 5. The Lords Agree, That Lambeth House, Lord Peters' House in Aldersgate, and the Bishop of London's, near St. Paul's, shall be converted into Prison Houses.

On a Proposition concerning an Act of Oblivion, the Noes are 54, Yeas 47.

Resolved. To be inserted, "That in the General Pardon which your Majesty has been pleased to offer to your Subjects, all offences and misdemeanors, committed before the 10th January, 1641, which have been, or before the 11th January, 1643-4, shall be questioned and proceeded against in Parliament, upon complaint in the House of Commons, shall be excepted."

Jan. 7. Four Persons are committed to the Fleet for Pamphlets and Libels against the Parliament.

A Declaration is made concerning the *Illegality of the King's Commission of Array*, and against an "Association of Neutrality," in Cheshire.

An Act passes the *Commons* for clearing the Members accused, 3 Jan., 1641.

An Act passes against the enjoying of Pluralities of Benefices by Spiritual Persons, and against Non-Residency, with a Proviso, "That the Bill might not extend to such Parishes where are divers Presentations, Collations or Portions of Tithes, unto which several Presentations or Collations are or have been used to be made."

Ordered, Mr. Catlyn to be sent for, at his own charges, for neglect of frequent Summons.

Jan. 9. *Ordered*. No man committed by either House for levying actual war against the Parliament, to be permitted to go abroad, and no one to speak to, or Letters to be received by, him.

Jan. 10. The Lords release the Earl of Portland, and admit him to attend as a Peer.

Upon a Question and Division in the *Commons*, the Tellers cannot agree as to the numbers. The House is again divided, and all

1643.

A. D.

19

not present on the first telling, are ordered to withdraw. The Tellers now Report, Yeas 33, and "for the Noe," 33. It is desired that Sir Nath. Barnardiston, who was present at the First, but came not in upon the Second Telling, till the Report was made, may be Told. It is doubted, whether he should be Told. On the Question, the House divides and the Yeas go forth. But the Noes yield before the House is told. He being told, the Noes are 34.

Jan. 11. The County of Hertford sends a Petition for Peace.

Jan. 12. Two Printers are committed to the Fleet for printing "His Majesty's gracious Answer."

John Hawkins having refused to obey an Order of the House, saying, "It was a base stinking Warrant, and he could not conceive but that there was Treason and Treachery in it," is committed to the Fleet.

The King having answered the London Petition, a Committee is appointed to vindicate the Parliament against the King's Aspersions.

The Commons Resolve, That the King's Printer be required and enjoined, not to print or publish his Majesty's Answer to the Petition of the Lord Mayor and Aldermen, &c., of London, presented at Oxon.

Jan. 13. Ordered. Sir B. Rudyard to attend the service of the House.

Jan. 14. The Lords Order the Clerk of Parliament to provide a Printer to print things appointed by Parliament, and the Printer to provide a Letter only for such matters.

A Division takes place in the Commons, of 53 to 49.

Jan. 16. The Lords pass the Bill against Pluralities.

The Commons Resolve, Sir John Mallory, Mr. George Vane, Mr. Edward Seymour, shall be disabled, &c.

White, a Singing Man, is summoned for reading the King's Answer openly in the Abbey Church.

Ordered. A Proposition to be added to those to be sent to his Majesty, That he will be pleased to restore Members of either House to their several Places of Service, out of which they have been put since the beginning of this Parliament.

Jan. 17. Warrants are Ordered to issue against two Persons for scandalous words, &c.

Jan. 19. The Commons divide, 50 against 35.

Jan. 21. The Act for Abolishing Archbishops, &c., passes the Commons.

Jan. 24. It is Resolved, That the Sheriffs of London shall be saved harmless, for not publishing Proclamations, &c., contrary to the Orders of both, or either of the Houses.

Sir Benjamin Ayloffé having accepted a Commission from his Majesty, as Sheriff for Essex, is committed to the Tower, for contempt.

Jan. 26. The Lords Order the Printer of a Letter to be attached.

The Lords pass the Bill against Episcopacy, nemine contradicente.

It is Resolved, That this Bill shall be sent up, with certain Propositions from both Houses, to the King.

Resolved, in the Committee for the present Raising of Monies,

1. Such are to be raised after the yearly value of Lands,

2. At the Rate of 12*d.* in the Pound, of such value.

3. Are to be paid within six Months,

4. Monthly, at 2*d.* per Month.

Sir Francis Coke having said, "This bloody Parliament sought their own ends, and endeavoured to get the Great Places of the Kingdom at their disposal, and that if my Lord Grey came thither to plunder the Country, he should be resisted," is sent for as a Delinquent.

1648.

A. R.

18

Jan. 28 and 30. Divisions occur in the Commons, of 34 to 38, and of 53 to 43. (f)

Feb. 1. (Wednesday.) Measures are taken against Dr. Seaton, who had deserted his Cure, and betaken himself to the Army of the "Cavaliers." His Living of Bushy is sequestered. (g)

Ordered in the Commons, The Committee for Assessing Members, to assess such as have not done any thing, or proportionable to their Estates.

The Propositions from the Parliament are presented to the King at Oxon.

Feb. 2. It is Ordered in the Commons, That such Members as have levied War, or contributed to the Forces raised against Parliament, and such Lawyers, Members, as have repaired to Oxon, while the Army is there, shall be disabled.

Resolved, Mr. Roberts, Curate of Allhallows, Barkeinge, Mr. Thomas Wall, Lord Allington and others, for speaking against the Parliament, shall be sent for as Delinquents.

Many Prisoners are removed to Windsor Castle.

Feb. 3. The Profits of Two Livings are sequestered.

The Lords pass an Ordinance to impress Seamen.

Ordered in the Commons, The Printers of the Complaint, &c., to be sent to Newgate.

Resolved, Five Gentlemen to be committed to different Prisons, and, of Two, the Estates, Personal and Real, to be sequestered.

A Committee is appointed to consider of Sequestering and Seizing the Estates of all who are, or shall be, in War against the Parliament.

Feb. 4. Resolved, Mr. Fanshawe, Mr. Thomas Coke, Mr. Selden, Lord Monson, Mr. Serjeant Euers and Mr. Potter to be sent for as Delinquents, for not appearing on Summons.

A Division of 41 against 20 takes place in the Commons.

Feb. 6. Resolved. His Majesty's Answer to the Propositions of both Houses, presented at Oxon, to be printed.

Among other matters in this Answer, the King says:

"Without telling his good Subjects that their Religion (the true Protestant Religion in which he was born, hath faithfully lived and to which he will die a willing sacrifice) their Laws, Liberties, Privileges and safety of Parliament, were so amply settled and established, or offered to be so, by his Majesty, before any Army was raised against him, and long before any raised by him for his defence, that if nothing had been desired, but that Peace and Protection which his Subjects and their Ancestors had in the best times enjoyed, this misunderstanding and distance

(f) In December, a confederacy having taken place between the Parliaments of England and Scotland, the King issued a Proclamation, inviting all such Members of both Houses as had left their Seats at Westminster, to meet him at Oxford. In consequence of this, the Convention, or Anti-Parliament, is formed. The Members of the Convention who subscribe a Letter to the Earl of Essex, are his Highness, the Prince, the Duke of York, 43 Peers (Dukes, Marquesses, Earls, Viscounts, Barons), and 118 Members of the Commons. Clarendon, VII. 382, says, "In the Parliament of London, or engaged in their Party, were not above 22 Peers." Fifty-two Peers with the King address a Letter to the Scots' Privy Council, touching their Expedition into England, and shewing how few Peers were left at Westminster.

(g) The Term "Cavaliers," occurs for the first time in the Journals.

1643.

A. R.

18

between his Majesty and his People, and this general misery and distraction upon the face of the whole Kingdom, had not been now the discourse of Christendom. But his Majesty will forbear, &c., that if it be possible, the Memory of it may be lost to the world, and therefore, though many of the Propositions appear to him very derogatory from, and destructive to, his just Power and Prerogative, and no way beneficial to his Subjects; few of them being due to them by the Laws established, (and how unparliamentary it is by Arms to require new Laws, all the world may judge) yet because these may be waved or mollified, and many things dark and doubtful be cleared and explained upon Debate, his Majesty is pleased (such is his Sense of the miseries of the Kingdom, &c.) that a speedy Time and Place be agreed upon to discuss these Propositions and such others as his Majesty doth now propose. (Then follow 6 Propositions.)

"This offer and desire of his Majesty he hopes will be cheerfully entertained, that a speedy and blessed Peace may be accomplished. If it shall be rejected, or by insisting upon unreasonable circumstances, be made impossible (which he hopes God in his mercy to this Nation will not suffer) the guilt of the blood which will be shed, and the desolation which must follow, will lie upon the Heads of the Refusers. However, his Majesty is resolved, through what Accidents soever he shall be compelled to recover his Rights, and with what prosperous success soever it shall please God to bless him, that by his earnest constant endeavours to propagate and promote the true Protestant Religion, and by his governing according to the known Law of the Land, and upholding the just Privileges of Parliament, according to his frequent Protestations made before Almighty God, which he will always inviolably observe, the world shall see that he hath undergone all these difficulties and hazards for the defence and maintenance of those; the zealous preservation of which, his Majesty well knows, is the only Foundation and Means for the true happiness of him and his People."

Feb. 7. The *Lords* consider the King's Answer, and *Resolve*, to have a Cessation of Arms, that there may be a Treaty.

Feb. 9. Privilege is allowed to Belford, King's Serjeant.

In the *Commons*, Divisions take place of, 102 to 92; 87 to 108; 83 to 114; 82 to 72; 73 to 113; 70 to 111; 86 to 100.

Feb. 13. In the *Commons*, the Question, Whether there shall be a present Cessation of Arms, in order to the Treaty, before the disbanding of the Armies? passes in the Negative.

Resolved. When his Majesty shall have assented to a Disbanding, and the Time and Manner of it, then the time for a Cessation shall be agreed on.

They present several Reasons why there should be no Treaty before Disbanding.

Feb. 14. Mr. Worthy, a Gentleman of the Privy Chamber, is allowed Privilege.

Feb. 15. The *Commons Resolve*, That Mr. King, Mr. Whitacre, and Mr. Davies, shall be sent for as Delinquents for contempt of Summons.

Resolved. Sir James Thinne to be disabled for the same.

Feb. 16. The *Lords Resolve*, "Not to recede from their former Votes, but to adhere to them, notwithstanding the Reasons of the House of Commons."

The *Commons Resolve*, That the Lord Compton shall be disabled.

Feb. 17. The *Lords* send down their Resolutions as to a Treaty. 1643.
The *Commons* debate thereupon. On Question, Whether to A. D.
enter into a Treaty before disbanding, it is carried in the Affirm- 18
ative by two Divisions of 76 against 73, and of 86 against 83.

Sir Benjamin Rudyard speaks strongly in favour of the Treaty.

Feb. 18 and 20. Two Divisions occur in the *Commons*, of 99
against 67, and 49 against 29.

Feb. 20. An Ordinance is made for Sequestering the Estates
of Sir Ralph Hopton.

Feb. 21. The *Lords* attach the Printers of divers Pamphlets.
It is *Ordered*, That the Livings of St. Margaret's Lothbury,
and St. Martin's in Vintry, be sequestered; and (23rd) that of
St. Nicholas, Olave.

The *Commons Order*, That the Sheriffs of London and Middlesex
do not publish a Proclamation for the payment of his Majesty's
Rents and Revenues, at his City of Oxon.

Feb. 23. The *Lords Order* Martial Law to be executed by
Sir W. Waller.

Feb. 23 and 25. Divisions take place in the *Commons*, of 50
against 39; of 27 against 18; and 52 against 32.

Feb. 27. By Command of the House, Mr. Speaker enjoins
Mr. Bainton, a Member, not to proceed any farther in a Quarrel
with Mr. Giles Hungerford, and not to send or receive any
Challenge, though struck by Mr. Hungerford in the Hall.

Mr. King is disabled, &c.

Feb. 28. The Question is propounded, Whether four of the
Committee that last attended his Majesty be now sent on the
Treaty: and the Question being put, Whether this Question
shall be now put, the House divides. The Noes go forth, 71,
against Yeas, 41. So the Question passes in the Negative.

The House then passes the particular Members named, parti-
cularly upon the Question, and upon particular Questions.

Articles of Cessation, previous to the Treaty, are agreed upon.
It is *Ordained*, that the several Judges and Justices of Assize
of the several Courts, &c., forbear to execute any Commissions
of Assize, this Lent Vacation, as they will answer the Contempt
thereof at their Peril.

A Division takes place of 64 against 42.

March 2. (Thursday.) *Resolved*. An Ordinance to be made
for Sequestering the Estates of Deans, Deans and Chapters, &c.

A Proclamation of his Majesty, forbidding any of his loving
Subjects to raise Forces without his Consent, or enter any Associa-
tion or Protestation for assisting the Rebellion against his
Majesty, having been read: (h)

It is *Resolved*, That a Committee prepare a Declaration for
Vindicating the Proceedings of Parliament from the Scandals laid
upon them in this Proclamation,

March 3. The *Lords* make an Order for Sequestering the
Profits of Five several Churches.

March 4. The *Commons* divide, 54 against 46.

March 6. *Resolved*, in the *Commons*, Mr. Walker to be disabled
for Contempt of Summons.

March 7. The *Commons* propose to the *Lords* to consult the
Earl of Essex on the King's Answer to their Articles of Ces-
sation; to which the *Lords* agree.

Report is made on an Ordinance for seizing the Estates of

1643.

A. R.

19

Delinquents. The Question of Re-committing is rejected by 51 against 42. *Resolved*, That the Ordinance do pass.

Divisions take place of 23 to 24, and 27 to 24.

March 9. In the *Commons*, Sir Robert Coke not being able to contribute any thing on the Propositions, "with the Safety of his Conscience," not having shewn his Arms upon the Ordinance for the Militia, and having absolutely refused taking the Protestation :

It is *Resolved*, That he be sent Prisoner to the Tower, his Houses disarmed, his Horses seized and taken.

Ordered. A Committee to have power to search any House or Place where Presses may be for printing scandalous and lying Pamphlets, to demolish such Presses, and commit to Prison the Printers.

Ordered. To Sequester the Profits of certain Churches named.

Resolved. Mr. Endimion Porter to be disabled.

A Division occurs of 59 against 47.

March 11. The *Lords* make an Order to apprehend Robert Childe, "for traitorous and scandalous words, in *derogation and contempt of the Person and Dignity of the King*."

Mr. Conisby, High Sheriff of Hertford, is reprehended and committed, for saying, "It was below him to petition the Parliament, having the King's Authority in that County."

It is *Ordered*, That the names of certain Soldiers who used scandalous words against the Earl of Suffolk, *be Reported*.

Divisions take place in the *Commons*, of 69 against 52, and 87 against 66.

March 13. At the desire of the *Commons*, the *Lords* agree to the Sequestration of three Livings.

March 15. *Resolved*. Sir John Brooke to be disabled.

March 16. Walker, for printing scandalous and seditious Pamphlets, "A Declaration of both Houses of Parliament," and "The Remonstrance of the Commons of England, assembled in Parliament," is committed by *Order of the Lords*.

Orders of the *Commons*, for divers Sequestrations of Church Property, are sent up.

Resolved. Mr. Matthew Davies to be disabled.

March 17. The *Lords Order*, that Rayner, attached for *Words against his Majesty*, shall answer at the next General Assizes for Surrey.

Ordinances are made in the *Commons*, for the Sequestration of Church Property.

The House divides, 58 against 48.

After Conferences, the Houses agree to Articles as altered by the Earl of Essex; and they adopt Instructions for their Committees to attend his Majesty at Oxford.

March 18. A Division takes place in the *Commons*, of 76 against 36.

March 21. The *Commons* make *Orders* for Sequestering Church Property. (i)

March 22. The King sends Exceptions to the Parliament's last Articles of Cessation, "as in effect the same to which his

(i) On the 19th, the Lords and Commons of Parliament assembled at Oxford, publish a Declaration, setting forth their endeavours for Peace, and their Reasons for absenting themselves from Westminster. For the names of these 82 Peers, and 175 "Commoners of rank and importance," see the *Parl. Hist.* XIII. 73. Of those who remained at Westminster, it is observed, "How small the number; and of those, how few, in truth, have Right to sit there."

Majesty formerly excepted, and as, to the freedom and liberty of his good Subjects, there is not the least admission given by these Articles. He is willing, however, to treat even without a Cessation, (if that be not granted,) on the Propositions themselves, in which Treaty he shall give all his Subjects such Satisfaction; (if any Security to enjoy all the Rights, Privileges, and Liberties, due to them by the Law; or that happiness in Church and State, which the best times have seen; with such further Acts of Grace, as may agree with his Honour, Justice, and Duty to his Crown, and as may not render him less able to protect his Subjects, according to his Oath, will satisfy them,) that he is confident in the Mercy of God, no more precious blood of this Nation will be thus miserably spent." 1643.

A. R.
18

March 23. The *Lords Order* the Sequestration of the Profits of St. Thomas, Southwark, and agree to Eleven other Sequestrations of Churches, sent up by the *Commons*.

A Message from the *Lords* informs the *Commons*, That, as by reason of their sitting upon Committees in the forenoon, the business of the House cannot be conveniently dispatched, they intend to sit, as a House, every morning at Nine, and meet at Committees every afternoon.

March 24. The *Lords Order*, that Thomas Holt, Vicar of West Zolond, Somerset, be attached, "for insolent and base words against the Parliament."

Also, "That the Estates of those in Chester, who ARE IN REBELLION AGAINST THE KING," be seized.

An Order is made in the *Commons* (55 to 40) to forbid the Tower Guns firing on the 27th, the Anniversary of his Majesty's Accession.

March 25. The *Lords Order* the Sequestration of the Profits of the Parish of Thorley, Herts, and (28th) of Horsham, Sussex.

Motion is made, and Question put, in the *Commons*, Whether Liberty should be given to speak against the Order of Yesterday. The House divides, and it is carried in the Affirmative by 61 against 56. Another Question is put, Whether that Order shall be revoked. This passes in the Affirmative by 75 against 57.

March 27. Resolved. Mr. Ferdinando Stanhope to be disabled. An Ordinance is made against the payment of any Monies, &c., to the Archbishops, Bishops, Deans, &c.

March 28. Resolved. The speedy execution of the Order for Assessing Members, towards the Maintenance of the Army, to be proceeded in, as one means of raising Money.

March 29. An intercepted Letter from Mr. Endimion Porter is read, imputing the distractions "to four or five ambitious Villains."

April 1. (Saturday.) The Question for enlarging the time for the Treaty, is carried by Divisions of 62 against 56, and of 57 against 54.

April 3. The *Commons Resolve*, That "Sir Hugh Cholmeley shall be forever disabled, and be impeached of High Treason."

The House divides, 54 against 41, and 72 against 36.

April 5. Sir Thomas Payton is summoned "forthwith."

Divisions occur of 35 to 33, and of 54 to 44.

April 7. The *Commons* having voted, that a Letter, to be sent to the Commissioners at Oxon, be signed by the Speakers of both Houses, as hath heretofore been usual; the *Lords* are willing to agree, but are not satisfied of the Practice, whether usual or no; and make an Entry accordingly, with a Salvo, "that it may not be prejudicial to the Privileges of the House of Peers."

1643.

A. D.

18

The Commons' House divides, 83 against 51, and 24 against 15.
April 10. The Commons Order, That such Members as have been absent since Christmas, shall not be admitted, until Satisfaction given to the Committee for Absent Members, &c.

Many Sequestrations are ordered of Church Property.

April 12. The Lords send down the King's Answer to the Parliament's Proposition, received Yesterday, in which his Majesty says, "As soon as his Majesty is satisfied concerning his own Revenue, Magazines, Ships, and Ports, in which he desires nothing but that the just, known, legal Rights of his Majesty, (devolved to him from his Progenitors,) and of the Persons trusted by him, which have been violently taken from both, be restored unto him and to them; as soon as all the Members of both Houses shall be restored to the same capacity of sitting and voting in Parliament, as they had upon the 1st of January, 1641; the same, of right, belonging unto them by their Birth-rights, and the free Election of those that sent them; as soon as his Majesty and both Houses may be secured from such tumultuous Assemblies, as, to the great breach of the Privileges and the high Dishonour of Parliaments, have formerly assembled about both Houses, and awed the Members of the same, and occasioned two several Complaints from the Lords' House to the House of Commons, to join in a Declaration against them, the complying with which desire might have prevented all the miserable distractions which have ensued; which security his Majesty conceives can be only settled by adjourning the Parliament to some other Place, at the least twenty miles from London, the Choice of which his Majesty leaves to both Houses: His Majesty will then most cheerfully and readily consent that both Armies be immediately disbanded, and give a present Meeting to both his Houses of Parliament, at the time and place at and to which the Parliament shall be agreed to be adjourned." (k)

It is Ordered, by both Houses, "THAT THE COMMISSIONERS SHALL BE FORTHWITH RECALLED."

April 18. The Common Resolve, The Assault this day made by the Earl of Northumberland, in the Painted Chamber, upon Mr. Marten, a Member of this House, presently after the Conference ended, and before his return to the House, is a breach of the Privilege of the House, and Reparation shall be demanded at the Bar of the Lords' House.

Ordinances are made for Sequestrations.

April 19. Resolved. "Baronet Stepney" to be disabled.

Report is made from a Conference. Their Lordships complain of a breach of their Privileges by Mr. Martyn, in opening a Packet of the Earl of Northumberland, and express an earnest desire of a good Correspondency.

Lord Mandeville desires the House to take into their thoughts the Story of "Hippocrates' Twins."

Resolved. A Committee to consider what Reparation ought to be given to both Houses, and to desire the Lords to join.

(k) On the 16th of April, the King makes a Speech to his Parliament at Oxford, and adjourns the meeting to the 5th day of October. This adjournment was another of the incautious measures adopted by the King. The present moment was the "Fide in his Affairs," which was neglected, when it might have led on to fortune. The Parliament of Westminster was diminishing daily, and its Members were flocking to the King. From this time, all hopes of Security for their Persons or their Estates were lost, except on the condition of an unqualified submission to their Masters at London. The spirit of loyalty was extinguished in the absence of any fixed point to which the conscientious adherents of constitutional measures might resort, with safety to themselves, and with advantage to their cause.

April 20. Many Orders for Sequestrations of Church Property being sent up from the Commons, the *Lords* conceive that these Orders are an Invasion of the Privileges of their House in point of Judicature; and *Resolve*, that a Conference shall be held, "to desire that things of this nature may proceed in the same manner as in ancient times, and that the Informations and Witnesses may be brought up together, that their Lordships may see the ground upon which they are to found their Judgments."

1643.
A. D.
19

They *Order* a day to be appointed to hear the Witnesses concerning divers Sequestrations, already brought up, and not passed.

April 21. The *Commons Resolve* upon a Conference, to insist that their Clerk be styled, "Clerk of the Parliament of the House of Commons:" *First*, because of use and custom; and, *Secondly*, because in the Act, 6 Hen. 8, c. 16, he is styled, "Clerk of the Parliament appointed for the Commons' House."

The *Lords* refer it to a Committee, to all the Judges and the King's Counsel.

Resolved. Every Wednesday and Friday, the Commons' House shall meet at 8 and rise at 9; the residue of those days to be applied in Committees, especially for raising Money, &c.

April 22. The *Lords' Committee Reports*, that 6 Hen. 8, a Patent was granted to Robert Ormeston, to be "Sub Clericus Parliamenti ad attendendum super Communes Regni nostri Anglie," &c. The Committee are of opinion that the words of the Bill must be altered, being repugnant to the Statute and Patent, but think it may run, "Clerk appointed for the Commons' House."

On a Conference the Commons agree to "Clerk of Parliament appointed for the Commons' House."

Resolved in the Commons, Sir Robert Honeywood shall be sent for as a Delinquent, for reproachful Speeches, &c.

April 25. The Commons desiring that the Earl of Chesterfield taken in arms against Parliament, may be removed with consent and order of both Houses; the *Lords* conceive it to be contrary to their Privileges, because this House hath power over their own Members, to send for and dispose of them as they please."

A Letter from Elizabeth, Queen of Bohemia (dated Haghe, 13 April, 1643) to the Speaker, complains of the interception of her Letters to the King, her Brother, and her Sons, and the stopping of her Supplies.

May 6. (Saturday.) In the *Lords*, many Examinations for Church Sequestrations sent up from the Commons, take place (daily.)

The Commons assent to a Declaration on the Result of the Treaty, and deliver it to the *Lords*.

May 9. Seven Members are enjoined to attend.

May 11. Resolved. Sir Simonds D' Ewes to be forthwith summoned.

Resolved. The Great Seal of England, ought, by the Laws of the Land, to attend Parliament; the Great Seal doth not so attend, whence the Commonwealth hath suffered many grievous mischiefs tending to the destruction of the King, Parliament, and the Kingdom: and it is the duty of both Houses to provide a Speedy Remedy.

May 13. The House divides, 56 against 36.

May 15. The Commons *Order and Declare*, That the Citizens and Inhabitants of any City or Corporation in England and

1643.
A. D.
19

Wales that have been or are in War against the Parliament, shall be Disfranchised.

Resolved, (by 86 against 74) That a Great Seal of England be forthwith made to attend the Parliament.

May 16. The *Lords Order* the Estate of Lord Capell to be sequestered to the use of the Lord General.

May 17. An Order is entered in the *Lords' Journals* for sequestering the Jurisdiction of the Archbishop of Canterbury, according to a vote of the Commons.

An Order also passes (18th) for sequestering the Estate of the Earl of St. Albans.

Resolutions pass the *Commons* on *Taxing many Commodities.* (l)

May 18. A Declaration is *Ordered* in the *Commons*, setting forth, "That the Rebellion in Ireland, and this in England, spring from one Head, the utter Overthrow and Extirpation of the Protestant Religion."

The House divides, 49 against 47.

May 20. The *Commons Resolve*, That Mr. Ralph Sneed, taken Prisoner at Stafford, shall be disabled.

The House divides, 36 against 30.

An Ordinance is made against divers Traitors and Rebels, who, *by colour of his Majesty's Authority*, have levied War against the King, Parliament and Kingdom.

May 22. The *Commons* divide, 49 against 5.

May 23. A Petition from Laud, Archbishop of Canterbury, long a Prisoner in the Tower, is presented to the *Lords*. They think fit, in charity, that he should have some maintenance to supply his Extremities, and recommend the Petition to the Commons; who take no notice of it.

Resolved, in the *Commons*, nemine contradicente, That the Queen, Henrietta Maria, hath levied War against the Parliament and Kingdom, and that she be accused, in name of all the Commons, of High Treason.

Ordered. The *Lords* to issue Proclamations for her appearance to a day certain.

The *Lords* make an Entry, "*This is to be considered of.*"

May 24. The *Lords Order*, Sir John Burroughs, Garter, to speedily return to the Court of Parliament a perfect List of the Peers, with their Christian Names, and the times of their Creation, for the Service of the House. (m)

May 25. A Division occurs in the *Commons* of 39 against 24.

Resolved. It shall be added to the former vote in answer to his Majesty's Message, concerning Ireland, "*That it is against*

(l) This is believed to be the first instance in which a Tax was laid in the nature of an Excise. *Parl. Hist.* XII. 259.

(m) The whole number of Peers entered on the *Lords' Journals* on the 18th June, 1625, 1 Car., was as follows:—two Archbishops, 24 Bishops, one Duke, one Marquis, 38 Earls, 10 Viscounts, 46 Barons; total 122. Of these, were present on that day, one Archbishop, 19 Bishops, one Duke, one Marquis, 19 Earls, 5 Viscounts, 26 Barons. Through this year, 1625, and the following years to the first Parliament of the year 1640, inclusive, daily Lists are taken of the Peers present. Of these it may be noticed, that previously to 1640, the attendance appears to have been sufficiently uniform. Thus *March 28*, A.D. 2, there were present 16 Bishops, one Duke, 23 Earls, 3 Viscounts, 21 Barons. *March 17*, A.D. 3, 13 Bishops, one Duke, 30 Earls, 5 Viscounts, 28 Barons. *March 28*, A.D. 4, one Archbishop, 11 Bishops, 29 Earls, 4 Viscounts, 25 Barons. *March 19*, A.D. 4, one Archbishop, 13 Bishops, 28 Earls, 7 Viscounts, 30 Barons.

From the Parliament commencing Nov. 3, 1640, A.D. 1, the practice of daily Lists is entirely suspended, and we can only decide as to the numbers present, from those who are entered as absent, upon a Call of the House.

These Lists are resumed on Friday, Sept. 22, 1643, and from the regular Entries thenceforward made, we may judge of the miserable state to which this branch of the Legislature was reduced.

the Proceedings of Parliament when a Bill is presented to your Majesty by both Houses of Parliament (your greatest and most faithful Council) to enter into any dispute concerning the Bill proposed; seeing they will propose nothing but what is for your Majesty's Honour, and the weal of your Kingdoms. Therefore, as to the scruples raised and objections made, they consider it no ways fit to make a reply, as they expected none other from your Majesty than your Royal Assent thereunto. 1643.
A. B. 19

Upon Question, whether this shall be the Preamble to the former votes, the House divides, Yeas 41, Noes 29.

An Ordinance is made for the sequestration of the Estates, Real and Personal, of divers Bishops, and other *Notorious Delinquents*.

An Ordinance is made, directing the Archbishop of Canterbury to forbear to present or to collate, &c., without Leave and Order of both Houses.

Ordered. The Lord Mayor and Aldermen of the City of London to have Power and Authority to appoint Ministers to preach in St. Paul's Church Yard, daily, and to assign the same allowance as was given to the Preachers at St. Paul's.

May 27. Resolved. An Ordinance for *borrowing the Plate in all Cathedrals*, superstitiously used upon their Altars.

Resolved. Colonel Fettiplace to be committed for sending a Challenge to Sir Edward Baynton, a Member.

Information being given that many Soldiers under command of the Lord General, Earl of Essex, daily withdraw themselves, it is *Ordered*, That such be apprehended wherever found.

Resolved. Several Charges (Excise) to be made on Sugar, wrought Silks, Sattins, Taffetas, Tersonella and Cipers.

The Lords debate on the Commons' votes relating to the Great Seal. They *Resolve, First*, "That the Great Seal ought to be applied to the Commands of the Parliament by the Law of the Land. *Secondly*, "That the Great Seal ought not to attend the Commands of the Parliament by Law." *Thirdly*, To have a Conference, to be informed wherein the Great Seal hath not been applied to the Commands of the Parliament. *Fourthly*, That it is the duty of both Houses to use their best endeavours to provide a fitting and speedy Remedy. *Fifthly*, They *negative* the Commons' vote, "That a Great Seal of England shall be forthwith made, &c."

May 30. On the Propositions for reducing Newcastle, the Commons divide, Yeas 26, Noes 24.

June 2. (Friday.) Resolved. The Dean, Sub-Dean, and Prebends of Westminster be enjoined to deliver the Keys of the Treasury, where the Regalia are kept. On Question, whether in case of Refusal, the Doors be opened, the Noes are 58, the Yeas 37. On another Division, the Yeas are 34, the Noes 20.

June 3. The Question is again put, Whether the Locks of the Doors in Westminster Abbey, where the Regalia are kept, shall be opened, notwithstanding any former Order. The Yeas are 42, the Noes 41.

Resolved; That they be opened, &c.

Ordered; A Committee with Power to raise Treasure for the great Affairs of the Kingdom.

June 6. Report is made on "a horrid Plot for seizing the City, forcing the Parliament and joining the King's Armies."

Mr. Pymme presents "A Vow and Covenant" thereupon.

1643.

A. R.

19

Resolved; This Oath and Covenant to be tendered to all Members present; and, hereafter, to all absent.

One Hundred and Sixty Members take it. Nine come in after it is taken, and Seven others desire time. Four of these afterwards take it.

Ordered; Those to be here on Friday to give an account to the House.

June 7. A Covenant for the whole Kingdom is read, assented to, and sent up to the Lords.

June 9. The Lords, beginning at the youngest Baron, and going upwards according to their Degrees, take the Oath and Covenant, but agree that a Declaration shall be drawn up and taken by them, the Commons, and the whole Kingdom, declaring their Loyalty to the King's Person, his Crown and Dignity.

An Ordinance is made for an Assembly of Divines to settle the Doctrines of the Church.

June 10. In the Commons, an Ordinance is made to prevent and suppress the Licence of Printing; which passes the Lords on the 14th.

June 12. *Ordered*; A Message to the Lords to secure two Lords of their House, concerned in the late Plot, (the Earl of Portland and Lord Viscount Conway.)

June 14. On a Conference, respecting the Great Seal, the Lords refer to their Negative votes passed on Saturday, 27 May, and state, "That the Parliament having in all their Resolutions and Actions gone upon the Power of their Ordinances, their Lordships conceive it will be proper to continue upon that ground and way: That the making of a new Great Seal will not hinder and prevent the use and Power of the King's Great Seal; but that if they found the Sealing of original Writs of Error be denied, they would join with the Commons, in their care to do what will be necessary and advantageous to the Parliament, the free course of Justice, and the Laws of the Land.

Mr. Waller, in the Commons, having been heard in his defence in regard to the Plot against Parliament, is expelled the House, and is condemned by the Council of War to die with the rest of the Conspirators. He is afterwards reprieved and discharged after a-year's imprisonment and the payment of a Fine of £10,000. The others are hanged.

June 15. *Ordered*; That several Members of the Commons now present, do subscribe to the Covenant within three days.

June 16. *Resolved* in the Commons, That Royston, the Printer, be sent for as a Delinquent, for printing "His Majesty's Declaration to all his Loving Subjects."

June 17. *Ordered* by the Commons, That such Members as have departed without leave shall not be admitted, till after examination and Report made by the Committee.

The Lords draw up a Petition to the King for Peace.

June 21. The Commons assent to "Articles of Impeachment against the Queen."

June 22. The number of Sequestrations increasing, the Lords add to their Committee for Sequestrations, and desire the Commons to do the same.

June 24. *Resolved* in the Commons, That Sir W. Poole, Sir W. Ogle and Mr. Harrison shall be disabled.

June 26. The King publishes a Proclamation, warning all his Majesty's good Subjects no longer to be misled by the Votes, Orders, and pretended Ordinances of one or both Houses, by reason the

Members do not enjoy the freedom and liberty of Parliament, saying, 1648.
 "Such Resolutions and Directions which concern the Property A. R.
 and Liberty of the Subjects are transacted and concluded by a 19
 few Persons, under the name of a Close Committee, consisting
 of the Earl of Manchester, the Lord Say, Mr. Pym, Mr. Hamp-
 den, Mr. Martin and others, the whole not exceeding Seventeen
 Persons, without Reporting the same to the Houses, or having
 the same confirmed by the Houses, contrary to the express Law
 and Custom of Parliament; and, That all the world may see how
 willing and desirous we are to forget all Injuries and Indignities,
 we offer a free and general Pardon to all the Members of either
 House, (except Robert, Earl of Essex, Robert, Earl of War-
 wick, Edward, Earl of Manchester, Henry, Earl of Stamford,
 William, Viscount Say and Sele, Sir John Hotham, Knight and
 Baronet, Sir Arthur Hazelrig, Baronet, Sir H. Ludlow, Sir
 Edward Hungerford and Sir Francis Popham, Knights, Nathan-
 iel Fiennes, John Hampden, John Pym, William Stroud, Henry
 Martin and Alexander Popham, Esquires; Isaac Pennington,
 Alderman of London, and Captain Ven, who being the prin-
 cipal Authors of these Calamities, have sacrificed the peace and
 prosperity of their Country to their own Pride, Malice and
 Ambition, and against whom we shall proceed as Persons guilty
 of High Treason by the known Laws of the Land, and shall be
 most careful to preserve to them all Privileges that by the Law
 or usage of former times is due to them) if they shall within
 Ten Days after the publishing of this our Proclamation, return
 to their duty and Allegiance to us. Given at our Court at
 Oxford, 20 d. June, A. R. 19."

Resolved. The Lords do conceive themselves bound to defend
 this present Parliament, and to maintain the freedom thereof
 with their Lives and Fortunes, and are resolved so to do.

They appoint a Committee to prepare a Declaration inviting
 all Englishmen to join them.

The Commons *Resolve* to agree with the Lords.

June 27. The Members of the Commons' House are *Ordered*
 peremptorily to subscribe the Protestation, within 3 days.

Instructions are read for taking the Vow and Covenant
 throughout the Kingdom.

Resolved. That the Estates of the Bishop of Chichester and
 of three others shall be sequestered.

June 29. The House adjourns to Saturday, July 1, at 8, A. M.

July 5. (*Wednesday.*) The Earl of Carlisle's Horses having
 been taken by a Warrant of the House of Commons, he being
 a Peer and Member of the Lords' House, The Lords *Resolve*
 upon a Conference, "to acquaint the Commons with this Breach
 of Privilege and to desire Reparation and care that no such Breach
 of Privilege may be offered for the future."

An Ordinance concerning "*Putting down Innovations*" is
 read, assented to by the Commons, and ordered to be sent up.

The Lords adhering to their former Resolutions, the Commons
Resolve, "That a Great Seal of England shall be presently
 made."

July 11. The Lords *Resolve*, "That no Petition shall be pre-
 sented to the King, till he recalls his Proclamation."

The Order for sequestering the Parsonage of Lambeth being
 propounded in the Commons, the Question is put, whether it shall
 now be put; which is carried by 68 against 67.

1643.
A. D.
19

The Order being put to the Question, it is Resolved *Negatively*, by 69 against 60.

July 13. On Question in the *Commons*, of an Ordinance for Volunteers and Contributions, the Noes are 35; there are with the Yeas, 31.

July 14. *Resolved*. Mr. Edmund Waller to be disabled for ever sitting or serving as a Member of this House.

July 17. Lord Grey, of Warke, "in regard of his ill health," refusing to go as a Committee into Scotland, is sent to the Tower.

July 19. Mr. Simonds to make a new Great Seal, and to have £100 for his pains.

July 20. A Petition is received in the *Commons*, from divers Inhabitants of the City of London, &c., in which the names of members of both Houses are presented, the which they desire to be Committees, &c. The House conceives this to be irregular and contrary to the Proceedings and Privileges of Parliament; yet, notwithstanding, as safety was to be preferred before Privilege of Parliament, they take no further notice of it, but command a salvo to preserve the Privilege, &c., being willing that this irregularity may be covered under the urgency of the necessities at this time, and with the good affections of the Petitioners largely expressed in the Petition.

July 22. The *Lords* make an Order, That none but Members shall be present at Conferences.

Resolved, in the *Commons*, that the following (—) be appointed Commanders in Chief.

July 25. J. Wright, for Printing an Ordinance by Order of the House of Lords, is attached by the House of Commons. The *Lords Order* Reparation to be desired of the Commons, for this great Breach of Privilege. The Commons answer that he was not sent for for Printing the Ordinance, but for entering it in Stationers' Hall as Printed by Lords and Commons, when he had no Order, &c.

July 28. *Ordered*. Sir Edward Baynton, Sir Edward Hungerford, and Mr. Baynton, to be enjoined and required not to give or receive any Challenge.

Resolved. Three Ministers, and a Schoolmaster, to be sent for, as Delinquents.

July 29. The *Lords* send down an Ordinance for strengthening the City of London, exempting from "Listing" the Peers and Members of the House of Commons, the Assistants and Attendants to the House of Peers, and all their Menial Servants, and the Students of the several Inns of Court and Chancery.

July 31. Mr. Pym, from a Conference, reports my Lord General's "Considerations to the Parliament of the weakness of the Army, and the Expedients for Remedy thereof."

August 2. (Wednesday.) On Question, Whether Inquiry shall be made into the occasion of the Loss in the West, the Noes are 51, the Yeas 30.

Aug. 3. A weekly Assessment is Ordered through England and Wales. In a Division, the Yeas are 27, the Noes 21.

Aug. 4. *Ordered*. Colonel Cromwell to have free Quarter in his March, &c.

Aug. 5. In the *Commons*, "a long and hot Debate" on the Propositions for Peace offered by the Lords, lasts till Ten o'clock, P. M.

Resolved, (by 94 against 65), To insist upon the Lords' Propositions, and send to his Majesty.

On another Question, 70 divide against 68.

1643.

Aug. 7. The Lords adjourn their House on account of great Tumults, and Order, "That it is their Lordships pleasure that the multitudes disperse themselves and go to their Houses." Also, "That inquiry be made as to who spread the Printed Papers abroad in the City yesterday, to invite the People to come down to the Parliament this day, in an unlawful manner, to the Breach of the Privileges of Parliament." They desire the Commons to join in suppressing these Tumults by To-morrow, or they must adjourn to further time.

A. E.
19

Upon Question, in the Commons, whether the House shall take the Propositions sent from the Lords into particular consideration, the House divides. The Yeas are 81, the Noes 79. The House not being satisfied, divides again. Upon the Second Report, the Yeas are 81, the Noes, "that sate," are 88. So it passes in the Negative.

The Question being put, Whether the House shall concur with the Lords in the Matter of this Report? It is voted *Negatively*.

Aug. 9. The Earl of Denbigh is appointed Speaker in the Lords.

A Petition for Peace is presented to the Commons, from "*Many CIVILLY DISPOSED WOMEN of the Cities of London, Westminster, &c.*"

About 5,000 Females attend, and are not dispersed without bloodshed.

Aug. 10. The Earl of Manchester (late Speaker) is appointed to the Command of Six Associated Counties.

Aug. 17. Report is made from a Conference. The Lords are very far from trenching on the Rights of the Commons' House, and acknowledge that Matters of Money are to proceed from this House first. But, as to joining in the disposal of the Monies mentioned in the Ordinance, they desire the House to remember what hath been done formerly, and the Precedents of this kind, even in this Parliament. For this particular Ordinance for Sequestrations, there is more reason for this, because it is taken as a Judgment or Penalty of both Houses, rather than as a Supply."

Resolved. This House doth concur with the Amendments sent down.

Aug. 18. Chamberlayne, the King's Physician, is allowed Privilege, in the Lords.

Ordered in the Commons, The House shall rise every day peremptorily at One of Clock, at the farthest, and sooner, if occasions give leave.

Aug. 19. *Ordered*. Such Members as wilfully neglect their service by departing the Cities of London and Westminster, or otherwise, without leave, shall be reported and taken in the same condition as those that ought to have their Estates sequestered, and shall have their Estates sequestered accordingly.

Aug. 22. The Commons Order, That Six several Parsonages, Curateships, Rectories, and Vicarages shall be sequestered.

Aug. 23. A Committee is appointed to consider of such Members of Parliament as have taken the Covenant and violated the same; and what is fit to be done thereupon.

Aug. 24. Lord Grey, of Warke, is appointed Speaker in the Lords.

In the Commons, Divisions occur of 21 to 18, and 46 to 40.

1643.

A. R.

19

Aug. 25. *Ordered.* All the Peers in Town are to attend forthwith.

Aug. 28. *Resolved.* A Committee to see the Order of Aug. 9, put into execution, for sequestering the Estates of such Members as do or shall neglect their service in the Commons' House.

Sept. 2. (Saturday.) *Ordered.* One Hundred Pounds out of the Sequestration Money to be disposed of for making a Great Seal of England: viz., £40 in hand to Mr. Thomas Symonds to buy Silver, and £60 more when the Seal is finished.

Sept. 4. Sir Alexander Carew, Mr. Constantine, Sir John Harrison, and Sir H. Anderson are disabled as Members.

Sept. 5. One Rectory and one Parsonage are, by *Order*, sequestered.

Ordered. Mr. William Stewart, whose Estate is wholly in the possession of the Parliament, is to have Privilege and Protection from all Arrests and Suits, without the leave of this House.

Sept. 7. *Resolved.* The Estates of the Earl of Southampton shall be sequestered.

Ordered. The Goods of the Earl of Northampton, sequestered in Crosby House, shall be sold.

Resolved. Sir John Hotham shall be disabled as a Member, shall be sent to the Tower, and none shall be permitted to speak to him.

Sept. 8. Orders are made for sequestering divers Church Livings.

Resolved. Captain Hotham shall be discharged from being any longer a Member, and shall be kept in safe custody.

Sept. 9. Divisions occur in the Commons, of 34 to 29, and of 40 to 20.

Sept. 12. Commissioners from the General Assembly of the Church of Scotland propose their "Solemn League and Covenant" to the Parliament of England, which, on the 21st, is ordered to be printed.

Mr. Speaker, with the whole House, goes up to demand Judgment against Mr. Justice Berkeley, in their own names, and the names of all the Commons of England, for the Judgment and extrajudicial Opinions given by him in the point of Shipmoney.

Ten Peers (only) are present on giving Judgment.

Sept. 14. *Resolved.* Mr. Thomas Jermyn shall be discharged as a Member.

Sept. 18. A Sequestration is *Ordered* of the Minister's, Reader's and Organist's Places, at the Charter House.

Sept. 20. The Lords declare, That none shall have command under the Parliament, till they have taken the Covenant.

Sept. 21. An Ordinance is made for sequestering, to the use of the Parliament, the Revenues of the King, Queen and Prince.

Sept. 22. *Ordered.* The Vicarage of Twickenham to be sequestered.

Sept. 23. An Ordinance is made, "That the Assembly of Godly Divines who, by Ordinance, July 1, 1643, met in King Henry the Seventh's Chapel, may, in respect of the Coldness of the said Chapel, adjourn to the Jerusalem Chamber, in the College of Westminster."

Sept. 25. The House takes and subscribes the Covenant, at St. Margaret's, Westminster.

Sept. 28. The Lords Command, That all Assistants and Attendants shall not reveal any private thing done or said in this

House, to any whatsoever, out of the Walls, under pain of exemplary Punishment. 1643.

Resolved, in the *Commons*, That the Estates of ten Members be Sequestered for non-attendance, as also those of Sir John Honeywood, Sir George Sands, and Sir Edward Hales; and that Sir Guy Palmes be discharged. A. B. 19

Sept. 30. Both Houses declare against a Cessation of Arms with the Rebels in Ireland.

Resolved in the *Commons*. The Rectories of Lambeth, Acton and the Savoy shall be Sequestered.

Ordered in the *Commons*, That the Estates of Lord Peters, Lord Rivers, Sir H. Audley and Mr. Killigrew be Sequestered. (a)

October 2. (Monday.) Clement Walker, for words spoken against Lord Viscount Say, a Peer, is fined £100 to the King, £500 Damages to Lord Say and Sele, is *Ordered* to make submission at the Bar, and to be Imprisoned during pleasure.

A Division takes place in the *Commons* of 33 against 16.

Oct. 3. The *Commons* adjourn till Thursday, but all Committees are to sit.

Oct. 5. A Conference is held in the Painted Chamber.

The *Commons* adjourn till Saturday, at 8.

Oct. 7. The Earl of Essex desires to resign his Commission on account of the Discouragement he receives.

An Ordinance is made in the *Commons* for assessing the Members and Assistants of either House, that shall have deserted the service of Parliament, the twentieth part of their Estates.

The House divides, 53 against 43.

It is *Ordered*, that Six Parsonages be Sequestered.

Oct. 9. Ordered. No Sequestration for any Living shall be brought into the House, but such as shall be reported from the "Committee for Plundered Ministers," and hath the approbation of the Assembly of Divines.

It is *Ordered*, That Ten Livings be Sequestered.

Oct. 11. The Lords Order, That the Lord Mayor Elect shall be presented to their House for approbation, as the last.

They *Resolve*, That a Great Seal of England shall be forthwith made, to attend the Parliament.

Oct. 12. The Houses adjourn till Monday, at 8.

Oct. 15. (Sunday.) The Lords take the Covenant in the Abbey.

Oct. 16. It is *Ordered* in the *Commons*, That the Covenant be taken, peremptorily, on Thursday, by such Members as have not, &c.

Oct. 17. The Commons Resolve, That the Great Seal of England shall be invalidated, and all Acts done by and under it, since it was taken from Parliament.

Resolved. The new Great Seal shall be put into the custody of Commissioners of both Houses.

Oct. 18. Ordered. Mr. Speaker shall leave the Chair every day peremptorily at 12, and hear no new Motions after that time.

Resolved. The Marquis of Winchester's Estate shall be Sequestered, and he accused of High Treason.

(a) The daily Lists of Peers present in the House recommence on Friday, 29d Sept., 1643, A. B. 19. On that day, were present the Speaker, three Earls, one Viscount, five Barons. *Sept. 23*, always, besides Lord Grey de Warke, Speaker, four Earls, one Viscount, three Barons. *Sept. 25*, four Earls, one Viscount, two Barons. *Sept. 26*, three Earls, one Viscount, two Barons. *Sept. 28*, seven Earls, one Viscount, three Barons. *Sept. 29*, five Earls, three Barons. *Sept. 30*, six Earls, one Viscount, three Barons. Average number daily present about eight Peers. Lord Say and Sele was the single Viscount who attended till the Summons of Viscount Hereford, Oct. 23, 1646.

1643.

A. D.

19

Ordered. Three Sequestrations of Churches, &c.

Oct. 19. The Lords pass Judgment against Baron Trevor for his Judgment on Shipmoney.

Resolved, in the *Commons*, That Mr. Allstree be discharged for non-attendance.

Oct. 20 and 21. *Ordered.* Four Sequestrations of Church Property.

Oct. 23. *Resolved.* Sir Lewis Dive to be accused of High Treason, for calling the Parliament "The pretended Parliament."

Oct. 24. *Resolved.* The Estate of Sir Hamond L' Estrange shall be sequestered for his non-attendance.

Oct. 26. The Lords being informed, "that the seizure of Lord Peters' Goods, is by virtue of an Order of the House of Commons, which is contrary to the Ordinance of both Houses of Parliament; and that many Private Orders of Committees of the House of Commons have been made, which should not have been but by Order of both Houses, whereby the Ordinance of both Houses is infringed:" it is *Ordered*, that a Conference be held to acquaint the House of Commons, and to desire that no such Orders hereafter be Issued.

Oct. 27. The Lords *Order*, That, according to his Petition, Mr. Baron Trevor shall attend the House as an Assistant as formerly; he having submitted and paid his Fine.

The Earl of Stamford complains of Speeches by Mr. Nicholls, a Member of the House of Commons.

The *Commons* pass many Orders for Sequestrations.

They *Order* that the Committee for Gloucester shall have power to break open any Trunk, Chest, Closet, &c., in Sutton's Hospital, for Monies belonging to the said Hospital, and to secure the same.

Oct. 30. Four Lords take the Covenant.

Ordered in the *Commons*, That the Vicarage of Epping be sequestered.

Report is made on a Cessation of Arms with the Rebels of Ireland.

The House divides, 46 against 37.

Oct. 31. The Lords make an *Order*, for Mr. Selden to be Keeper of the Records in the Tower.

Ordered in the *Commons*, The Lord Mayor and Sheriffs of London to be required not to publish divers Proclamations sent by the King. (o)

(o) The attendance of Peers this month was as follows:—

| | | | | |
|--------|------------------------------|----------|-------------|-----------|
| Oct. 2 | Lord Grey de Warke, Speaker, | 5 Earls, | 1 Viscount, | 2 Barons. |
| — 3 | Ditto | 7 Earls, | 1 Viscount, | 1 Baron. |
| — 5 | Ditto | 6 Earls, | 1 Viscount, | 2 Barons. |
| — 6 | Ditto | 3 Earls, | .. | 1 Baron. |
| — 7 | Ditto | 5 Earls, | 1 Viscount, | 3 Barons. |
| — 9 | Ditto | 6 Earls, | 1 Viscount, | 2 Barons. |
| — 10 | Ditto | 6 Earls, | .. | 2 Barons. |
| — 11 | Ditto | 5 Earls, | 1 Viscount, | 3 Barons. |
| — 12 | Ditto | 7 Earls, | 1 Viscount, | 1 Baron. |
| — 16 | Ditto | 6 Earls, | .. | 1 Baron. |
| — 17 | Ditto | 7 Earls, | 1 Viscount, | 3 Barons. |
| — 18 | Ditto | 7 Earls, | 1 Viscount, | 3 Barons. |
| — 19 | Ditto | 9 Earls, | 1 Viscount, | 1 Baron. |
| — 20 | Ditto | 9 Earls, | 1 Viscount, | 1 Baron. |
| — 21 | Ditto | 7 Earls, | .. | 4 Barons. |
| — 23 | Ditto | 7 Earls, | .. | 4 Barons. |
| — 24 | Ditto | 8 Earls, | 1 Viscount, | 3 Barons. |
| — 26 | Ditto | 7 Earls, | 1 Viscount, | 2 Barons. |
| — 27 | Ditto | 8 Earls, | 1 Viscount, | 3 Barons. |
| — 28 | Ditto | 8 Earls, | .. | 5 Barons. |
| — 30 | Ditto | 9 Earls, | 1 Viscount, | 4 Barons. |
| — 31 | Ditto | 8 Earls, | .. | 2 Barons. |

Nov. 2. (Thursday.) It is *Ordered* by the Lords and Commons, 1643.
That Sir Oliver Fleming be Master of the Ceremonies to in-
troduce Foreign Ambassadors. A. R. 19

Nov. 3. The Earl of Bridgewater desires time to consider of the Covenant.

Divisions occur, in the *Commons*, of 25 against 17, and 30 against 23.

Nov. 6. Mr. James Fienis, Sir Philip Parker, Sir Norton Knatchbull are suspended the *Commons'* House during pleasure.

Nov. 7 and 8. The Living of Alverstoke, Hants, and the Vicarage of St. Martin's-in-the-Fields are sequestered.

An Ordinance is assented to by the *Commons*, for settling the place of Master of the Rolls upon William Lenthall, Esq., Speaker; to which the *Lords Agree*.

The House adjourns to Friday, at 3, but Committees are to sit.

Nov. 10. It is *Resolved*, That the Earl of Corke shall be disabled and discharged, and his Estates sequestered.

The *Lords*, by an Ordinance, annul the King's Great Seal, and nominate the Earl of Rutland and the Earl of Bolingbroke Commissioners of the new Great Seal, with four Members of the *Commons'* House.

Nov. 13. The *Commons'* House *Resolves* to adjourn from Mondays to Wednesdays, and from Wednesdays to Saturdays, until further Order.

Divisions take place of 56 to 55, of 59 to 58, and 59 to 56.

Nov. 15. It is *Ordered*, That the Elections at Bristol and Tewkesbury be referred to the Committee of Elections, where Sir Robert Harley has the Chair, and that the Committee be renewed and meet in the Star Chamber.

Sir Robert Crooke is discharged.

Nov. 18. It is *Ordered*, That all Stationers, &c., that shall henceforth sell or vend any Pamphlet, scandalous to the Parliament, shall have their Estates sequestered.

Nov. 22. Henry, Earl of Kent, upon the death of Anthony, Earl of Kent, his Father, takes his place in the House, on his Succession, without a Writ from the King.

The Judges of the several Courts are required not to adjourn the Term upon any Writ, &c., whatsoever, sent from his Majesty at Oxford, without the Order of both Houses.

Nov. 25. Mr. Thomas Fanshawe is disabled, in the *Commons*.

Nov. 28. The *Lords Order*, That the Lord Viscount Say and Sele shall continue Master of the Court of Ward and Liveries, though the King has appointed another.

Nov. 29. The *Commons Order*, That the Vicarage of St. Margaret's, Westminster, shall be sequestered.

Nov. 30. The *Commons*, with the Speaker, bring up the Great Seal. It is delivered to the Commissioners, after they had taken the Oath. (p)

December 2. (Saturday.) The Estate and Profits of the Provost of Eaton College, are sequestered by Order of the *Commons*.

On the 7th, 12th, 16th to 20th the Lord General is included in the list of Earls.

(p) Of the Earls, the highest number who met during this month, was 11, and the lowest 4; of Viscounts only one; of Barons the highest number was five, and the lowest two. Of Peers the average number present daily was 12.

1643.

A. D.

19

Dec. 9. It is *Resolved*, That the House shall meet every Morning at 9, and that absent Members shall pay 12*d.*

Dec. 11. *Ordered*. A Committee to consider what is to be done for the Estate of Mr. Pym, deceased, and to prepare a Monument at the Charge of the Commons. His body to be interred in Westminster Abbey, without charge for breaking the ground, and Mr. Speaker and the whole House to attend.

Dec. 12. It is *Ordered*, by the *Lords* in Parliament assembled, "That the Opinion and Resolution of this House is, henceforth, not to admit the Members of either House of Parliament, into any Place or Office, *excepting such Places of Great Trust as are to be executed by Persons of Eminency and known Integrity*, and are necessary for the government and safety of the Kingdom."

Upon Question, Whether this shall be drawn up into an Ordinance, it is *Resolved*, in the *Negative*.

Dec. 13. The *Lords Order*, That all Ordinances shall be read twice and committed, and again a third time, before they pass.

Dec. 15. The *Commons Resolve* to appoint a Grand Committee to set an "*Excise upon Flesh*."

The *Lords* inform the House, "They have already sworn the Clerk of the Crown, and are ready to give the further Oath concerning the Triennial Parliament, to the Commissioners of the Great Seal, according to an Act made this Parliament, and they desire the House to send up their Members, Commissioners."

Dec. 16. In the *Lords*, the Clerk of the Crown takes the Oath, the Clerk of Parliaments reading it to him. The Earls of Kent and Bolingbroke, Commissioners of the Great Seal, take the Oaths of Supremacy and Allegiance, at the Clerk's Table, the Speaker of the *Lords* reading the Oaths. The Four other Commissioners, of the House of Commons, take the Oath at this Bar, in plain Parliament, the Clerk of Parliaments reading the Oaths. The Clerk of the Crown, next, administers the Oath appointed by the Act of the Triennial Parliament, to the Commissioners of the Great Seal. The Clerk of Parliaments then administers the Oaths of Allegiance and Supremacy to William Lenthall, Esq., and then the Clerk of the Crown administers to him the Oath of the Master of the Rolls.

Dec. 18. The *Commons Resolve*, That the Solemn League and Covenant shall be tendered unto all men above the age of 16.

Dec. 20. The *Commons Resolve* to meet on Friday at 8, notwithstanding the former Order, &c.

Two Sequestrations of Livings are Ordered.

Dec. 22. A Division occurs of 57 against 25.

Dec. 25. Report is made from the Commons' Committee of Privileges, concerning the Election for "Tuxbury:" That the first Election of Burgesses was declared void, 6 Aug., 1641: That, upon a Second Writ, Sir Edward Alsford and Sir Robert Cooke were chosen; at which time, Edward Alsford (6 Aug. to 18 Oct.) sat in right of his Election at Arundell, and declared he would serve for Arundell.

Resolved. His Second Election is void, and that of Mr. Edward Stevens is good. The Under Sheriff to the late High Sheriff shall attend and amend the Return.

Resolved. Mr. Sutton to be discharged, and his Estate sequestered. (g)

(g) The highest number of Earls who assembled during this month was eleven, and the lowest two. One Viscount only attended 14 days. Of the Barons five was the

January 1. (Monday.) The *Commons Resolve*, That Mr. Dut- 1644.
ton shall be discharged, &c. A. A. 19

Resolved. An Excise to be put on Flesh, Salt and Poultry-
ware, upon every Rabbit, *½d*, upon a dozen Pigeons, *3d*.

Jan. 2. The *Lords* receive the King's Proclamation for the
Members of both Houses to attend a Parliament at Oxford,
Jan. 22.

Jan. 3. A Committee of Eleven (all *then present*) are appoint-
ed to draw an Answer.

The *Lords Order*, That one of the Assembly of Divines shall
attend this House, weekly, to pray before sitting.

Jan. 6. The *Commons Resolve*, That the Judges, Clerks, &c.,
be enjoined not to go to Oxon, notwithstanding his Majesty's
Proclamation.

Jan. 8. In the *Lords*, Report is made on a Conference touch-
ing "a Plot to divide King and Parliament."

Jan. 10. The *Lords* make an Ordinance to command better
attendance of the Officers upon the Great Seal.

Jan. 13. The Earl of Holland (on Petition) is admitted to
sit as a Peer.

The *Lords* accept an Invitation to dine with the City of Lon-
don, on Thursday.

The *Commons Resolve*, That one of the Ministers of the
Assembly shall pray with the House every Morning.

They also *Resolve*, That Sir Richard Shughorowe shall be
disabled.

Jan. 16. The *Commons Order*, That all Members put out of
the House shall be disabled to execute any Ordinances of Parlia-
ment.

Jan. 17. The *Commons' House* divides, 75 against 60.

Jan. 20. On a Question, Whether the *Lords' Commissioners*
of the Great Seal have double votes, the *Lords Order* a Confer-
ence with the House of Commons, on Monday, to determine,
that if the *Lords' Commissioners* are in the nature of *Committees*,
they may have an equal vote (with the other Commissioners)
in behalf of the *Lords' House*; but if they are in the nature of
Commissioners, as other Persons might be, which are not of the
Houses, that then more *Lords* may be nominated.

Jan. 22. The House is called. There are present Lord Grey
de Warke, Speaker, 14 Earls, 1 Viscount, 6 Barons.

The Absentees named are 1 Duke, 2 Marquisses, 31 Earls,
5 Viscounts, 35 Barons.

A Committee is appointed to consider "what is fit to be done
upon those *Lords* that are absent."

The *Commons Resolve*, That Fifty-Two Members (named)
be forthwith discharged and disabled, and that others (named)
be summoned.

Jan. 24. The *Lords* make an Ordinance to prevent *Lords*
coming from Oxford, sitting in the House, without consent of
both Houses.

The *Commons* pass an Ordinance for making Sheriffs, with an
Alteration in their Oath to, "Licensed by the *Lords* and *Com-
mons* in Parliament."

The *Commons* adjourn till Friday, at 10.

highest, and one, the lowest number. The total average of Peers present was eleven.
It is to be remarked also that the number of Earls was now, as upon many subsequent
occasions, increased by the attendance of the Lord General and the Lord Admiral.

1644.

A. 2.

19

Jan. 26. The *Lords* appoint a Committee to visit the King's Children at St. James', and to inquire as to Servants dismissed without knowledge of this House.

Jan. 29. *Resolved*, in the *Commons*, When a Motion is made for any Member or other Person to hold a Place or Office, &c., the House shall take a day's Respite, and the same shall be made in a full House.

Jan. 30. The *Lords Order* to be Printed, "A Declaration of both Kingdoms joined, in defence of Religion, &c."

It is *Ordered* by the *Lords* and *Commons* in Parliament assembled, That Worcester House be prepared for the Accommodation of the Commissioners and Committees of both Kingdoms, sent from our Brethren of Scotland. (r)

February 1. (Thursday.) The *Lords Order*, That *Lords* who come after Prayers, shall pay to the Poor Box, according to Ancient Order.

Prayers are read by Dr. Hoyle. Present, Lord Grey de Warke, Speaker, and 13 Peers.

Lord Willoughby, of Parham, is committed to the custody of Black Rod, for Breach of Privilege, in sending a Challenge to the Earl of Manchester, a Peer, sitting the Parliament.

Resolved, in the *Commons*. Mr. Brett to be discharged, &c. and his Estate sequestered.

Resolved. It is a constant and ancient Rule and Order of this House, that no Member is to give or receive any visit to or from any Foreign Agent or Ambassador, &c., without leave and consent of the House.

Feb. 3. An Ordinance passes the *Lords* for taking the Covenant of the three Kingdoms.

Ordered. The Commissioners of the Great Seal to consider how the Great Seal attending the Parliament may be effectual to all purposes, &c.

Ordered. On Monday, the House to resume the business of calling the residue of their Members, and to consider the appointing of a Committee of Privileges.

Resolved. Thirty-Six Members (named) to be discharged and disabled.

Feb. 7. Lord Berkeley and the Assistants of the *Lords' House* take the Covenant.

Resolved, in the *Commons*. Sir Edward Dering, Knight and Baronet, (the first who has submitted to Parliament under the Declaration) upon taking the National Covenant, shall have the benefit of the Declaration.

Resolved. The House to sit at 4, P. M., and to desire the *Lords* to do the same.

It is *Ordered*, That Mr. Thelloal's name, by mistake among the discharged, shall be struck out.

The House divides, 65 against 51.

Feb. 9. The *Lords Order*, That when any thing is debated in this House, no Peer shall make any Personal Reflections upon another, and if any do so, the Speaker shall call him to the matter of Debate.

Ordered, in the *Commons*, Two Parsonages to be Sequestered.

Resolved. The sequestered property of many Noblemen and Gentlemen (named) to be sold.

(r) The average number of Peers present during this month was fourteen. Of Earls, fourteen was the highest number, and seven the lowest; of Barons five and one. One iscount only attended.

Feb. 14. Resolved. The House to meet daily at 9 and rise at 12. Such as come after 9, to pay 12*d.* If any Member begins a new Motion after 12, to pay, 5*s.*, &c., to be collected for the Poor. 1644.
A. R. 19

Feb. 15. A Report is made from a Committee of the *Lords*.
A Writ of "Utlary" coming against the Earl of Middlesex, the Commissioners of the Great Seal stayed it, until this House had given directions therein.

It is *Declared*, That he being disabled by Judgment of Parliament from sitting in Parliament, the Privilege is taken away, it being allowed in regard of his sitting in Parliament, that he might not be distracted from his duty.

It is *Ordered*, That no business shall be moved after 12, under a Penalty of 20*s.*

Feb. 16. Ordered. No Member to stay in the Passage during the time of Prayers, but as they come in during the time of Prayers, immediately to take their Places.

Feb. 17. Ordered. Derby House to be assigned to the Commissioners of both Kingdoms.

Assent is given to a Proviso in the "Woxbridge" Ordinance, "That the Assessments made upon any Members, Assistants, or Attendants of either House of Parliament, shall be allowed by the House of which they are Members, &c."

Feb. 19. Mr. Baldwin, Minister of Hampstead, is committed to the Gatehouse for erroneous Doctrine.

Feb. 21. It is Moved in the *Lords*, that the Question may be put, "Whether this House may not restrain any of their Members from coming to a Committee, besides those of the Committee?"

The Question being put, Whether this Question shall be put? It is *Resolved*, in the Negative.

Feb. 22. An Ordinance is read in the *Commons*, for taking away the Court of Wards and Liveries.

Feb. 24. Report is made in the *Lords* concerning the Oath of Secrecy to be taken by the Committees of both Kingdoms. The Committee is of opinion, "That this Oath is inconvenient and inconsistent with the Privileges of this House, and not fit to pass, for Five Reasons offered.

The *Lords Resolve*, That this Oath shall not pass.

The *Commons Order*, That Members in default for their 12*d.*, shall pay 5*s.*

Feb. 26. The *Commons Order*, That the Earl of Stamford be desired to forbear coming to the Committees of the House, it being contrary to the Privileges of that House. (s)

March 1. (Friday.) A Committee is *Ordered*, in the *Commons*, to prepare Reasons to be delivered at a Conference, touching the Oath of Secrecy, the Orders of the *Lords* (14 and 21 Feb.) concerning the words "Order and Direct," and concerning the Peers coming to any Committee of both or either House, and to express the Resentment this House has of the Proceedings of the *Lords* herein.

March 2. On a Division in the *Commons* of 71 against 66, after the House was numbered and Report made, divers Members who sat the putting of the Question in the Affirmative and

(s) The average number of Peers present during this month was 16. The highest number of Earls was thirteen and the lowest eight; and of Barons seven and three, with one Viscount.

1644.

A. D.
19

Negative, withdrew into the Committee Chamber, and, upon the Telling, gave no vote one way or the other, nor were told of one side or the other. They that sat the Question, are, upon Debate, commanded to give their Votes, which they do accordingly. Another Question arises, whether a Member present at any Debate, withdrawing before the Question is put, may, after the House is divided and told, and Report made, be required to give his Vote, the case of many Members on this Question. After long Debate, and being a matter of great difficulty, and much concerning the most essential Privileges of Parliament, the House comes to no Resolution or Decision at this time. It is adjudged, that the main Question, though reported, is not to be drawn up into any Resolution as yet; neither is any Order entered, &c.

March 4. Resolved. Sir Edward Littleton and Sir John Borlase to be discharged, &c.

March 5. Seven Peers are added to the Committee for the Journal Book.

March 6. A Letter from the King, at Oxford, is considered in Conference.

The Lords make a Declaration thereon.

March 8. The Commons make an Order to Sequester the Rents, Revenues, &c. of the Dean, Prebends, and Chapter of St. Paul's. The House divides, 56 against 31.

March 11. An Ordinance is Committed for excluding Members of either House of Parliament, and not readmitting them without the consent of both Houses, &c.

A Division takes place, of 72 against 63, and, on the following day, of 60 against 52.

March 15. Resolved, in the Commons, That the "Committee of both Kingdoms" shall consider and prepare Grounds for settling a just Peace in all His Majesty's Dominions.

March 20. A Message is sent to the Commons, on the above Resolution. "The Lords desiring to retain the ancient, approved Parliamentary way, for each House to nominate their own Members, as Committees, have named a Committee of nine of their House, and desire you will name a proportionable number of your House to join with them to treat with the Commissioners of Scotland."

Report is made on a Conference as to the Oath of Secrecy. The Commons desire (1) When the Lords do send Negatives to any Message, that they will do it in the usual Parliamentary way. (2) That they do pass the Oath of Secrecy. (3) That the two Orders before mentioned may be declared void.

March 22. The Commons Order, That a Committee shall prepare Reasons that induce the House to refer the Grounds of Peace to the "Committee of both Kingdoms," to be offered at a Conference.

March 23. Ordered. The Serjeant to write out the names of the twenty first Members of the Commons' House that *refuse* to pay their shillings, coming after nine.

March 26. Resolved. No Person not worth £10 a year in Land, or £100 in Personal Estate, to be rated to pay anything for the Fifth, and the Twentieth Part.

A Long Ordinance passes, "That each Housekeeper and his Family, within the Cities of London and Westminster and the Lines of Communication, shall fast once a week, and pay the value of such weekly meal to the Public Service."

March 30. The *Lords* make an Ordinance for the payment of 1644.
Tithes to Ministers put in upon Sequestrations.

They *Order* that no Private Petitions be received until May 20
Day.

In a Debate, the numbers divide 64 and 64. The Speaker gives his "Casting vote" for the Negative. (t)

April 1. (*Monday.*) *Ordered.* No Member to move after Prayers, till the Minister be gone out.

April 2. The Earl of Clare is admitted, on his Submission.

April 3. Report is made from a Conference. The Commons had many *Precedents* to offer, that when they have desired the referring of any subsequent business unto a Committee of both Houses already in being, the Lords have consented with them, without any breach of Privilege, and the same hath likewise been consented to by them, upon like device of the Lords, without any breach of Privilege.

April 4. An Ordinance is assented to, for EXCLUDING MEMBERS OF EITHER HOUSE WHO HAVE DESERTED THE PARLIAMENT.

April 5 (and 10.) The *Commons Resolve*, That a new Seal shall be made for the Duchy of Lancaster and County Palatine of Lancaster.

At another Conference the Lords give further Reasons for referring the Propositions for Peace to a new Committee; "Well knowing that it is their undoubted Privilege to have the liberty to nominate a new Committee of their own House when any new power was to be granted, they *Resolve*, upon serious Debate, 'That this new power of laying grounds for a just and safe Peace should not be referred to the former Committee for managing the War, but to a new Committee of Nine.' They are abundantly assured, that constant presumption is on their side, that though either House respectively may desire to refer any subsequent matter to a former Committee, yet either House have a free liberty to dissent from such a desire, and are not obliged to express the Reason of dissent, if they please to reserve it to themselves, &c.; yet they are freely willing to add some reasons and repeat those given at a former Conference, &c."

April 11. The *Commons Order*, That no Pamphlet, &c., shall be printed but by approbation and allowance of Mr. John Rushworth.

April 13. A Conference is held for conciliating the differences between the Houses as to the Committee of both Kingdoms.

April 15. Lord Conway renders himself to the Parliament.

The Lords propose to sit only on Mondays, Wednesdays and Saturdays.

The *Commons Resolve* to sit on Tuesdays, Thursdays and Fridays.

April 17. The Ordinance for excluding Members, &c., with the Commons' Alterations, is Referred to a Committee of the whole (Lords') House; "and there it rests"

April 24. *Ordered.* The *Mitre and Crosier Staff found in St. Paul's Church* to be forthwith sold, and the Brass and Iron in *Hen. 7th's Chapel*.

Late Divisions were of 57 to 55, 87 to 66, 86 to 66.

(t) The average number of Peers present during the month was 13, namely, nine Earls (12-6), one Viscount, three Barons (5-2).

1644.

A. R.

20

April 25. Ordered. Books to the value of £100 to be delivered to Mr. Peters, out of the particular and private Study of the Archbishop of Canterbury.

April 26. The Lords Order, "That when this House nominates a Committee of Lords to join with a Committee of the House of Commons to consider of any business, if any thing which concerns both Houses is to be Reported, the Lords are to Report the same to this House, as well as the Members of the House of Commons to their House." (u)

May 1. (Wednesday.) A Report is made of the Lords' Reasons for not agreeing to an Ordinance of the Commons for continuing the Association of Essex, &c., under the Earl of Manchester.

The Lords Negative the Commons' Amendments to the Ordinance for excluding Members, &c.

May 7. The Lords send down an Ordinance for appointing a Committee of both Houses to meet and join with the Commissioners and Committees of Scotland for better managing the affairs of both Kingdoms.

On the Question, Whether it shall now be read? the Noes are 82, the Yeas, 69.

May 8. The Commons Resolve, That this Ordinance shall be Rejected.

Ordered. The Plate belonging to the College of Westminster to be forthwith melted, and disposed of for uses of the said Collegiate Church, &c.

May 11. The Ordinance (as above) having been again delivered by the Lords at a Conference; the Commons Resolve, That it is an unparliamentary way to send down Reasons, in another Paper, to any Bill or Ordinance, at the first beginning or sending down, of any Bill or Ordinance.

Resolved. To concur with the Lords in the Ordinance, with certain alterations. The Members for this House to be 14, and for the Peers, 7.

May 13. The Lords reject the Ordinance as altered by the Commons.

May 14. The Lords Order, That the Resolution of this House (12 Dec. 1643) concerning the not admitting of Members of either House to Offices and Places, shall be hereby vacated and made of none effect.

They Order, That all Ordinances, that are for granting Patents, are to be written at the top of the Warrants, and signed by the Clerk of both Houses of Parliament, as a Warrant to the Commissioners for passing the same under the Great Seal.

May 15. The Lords Resolve, to offer to the House of Commons, a Paper for reconciling the differences concerning the Ordinance for the Committee of both Kingdoms.

May 16. The Commons answer the Lords' Paper. "The House of Commons agrees that it is necessary to have a Committee of both Houses, and they shall be very careful neither to infringe any of your Lordships' Rights, nor to stand more strictly on their own than shall be requisite for the service both of the Kingdom and the Parliament, whereas your Lordships hold it most equal and your undoubted Right to have the naming of your own Members. We acknowledge it is the just and un-

(u) The Peers who attended this month averaged 13, viz., 9 Earls (11-6), one Viscount, three Barons (5-2).

doubted right of either House in any Ordinance they shall send to each other, to name what person they shall think fit. But they deny that either House hath a severed and particular Right to name their own Members in a Bill or Ordinance, so as that the other House shall be thereby concluded, because that Bills and Ordinances are made by the Legislative Power, which is not a distinct Privilege of either House but a Common Right of Parliament. In the Ordinance sent down, the Committee is to be a joint Committee with the Commissioners of Scotland; which proves that the Members of each House are not appointed by their respective Houses, but by Authority of Parliament. The old and usual way of Parliament is, that in Amendments offered upon a Bill or Ordinance, the *Amendments only are to be questioned*, and not the Bill or Ordinance to be waved, in respect that all but the Amendments are assented to by both Houses; and, in this particular case, your Lordships have been of the same opinion, for, in passing the Ordinance, whereby the Committee of both Kingdoms sat, your Lordships propounded an addition of Six Lords more, which upon Reasons from the House of Commons, your Lordships waved, and declared yourselves satisfied; and we, therefore, cannot conceive that that should be now urged as a Breach of Privilege, which, upon Reasons and Debate, was then settled, as now desired.

1644.

A. R.
20

May 21. The Commons *Resolve* to adhere to their own Ordinance and reject the Lords' Amendments.

May 22. The Lords *adhere* to their Amendment and former vote as to the Committee, &c.

The Countess of Carlisle is allowed Privilege, as a Party to a Suit in Chancery.

The Commons send a Message, That they agree to a former Ordinance of the Lords (Feb. 1) concerning the Committees, &c.

It passes the Commons by 95 against 52.

May 23. The Lords appoint a Committee to consider what course is fit to be taken for vindicating the Honour of this House, which is concerned in a Message brought up by Sir H. Mildmay, touching the Committee of both Kingdoms.

May 24. The Lords' House is called. *Present*, Lord Grey de Warke, Speaker, 8 Earls, one Viscount, 7 Barons. *Absent*, one Duke, 2 Marquesses, 35 Earls, 5 Viscounts, 35 Barons.

The Propositions for Peace are considered. On the Question, Whether an Act shall be prepared according to the 17th Article? It is *Resolved* in the Affirmative. Four Peers Protest.

May 30. *Ordered* in the Commons. To inquire what Officers issue Writs, "Teste Roberto Heath," contrary to the Ordinance of Parliament, that disables him from being a Judge, being made by the Seal at Oxon. (w)

June 1. (*Saturday*). In the Lords, Colonel Rous is sentenced to a Fine of £100, to Imprisonment in the Fleet, and to Submission on his knees, for words spoken against the Four Protesting Lords.

Ordered by the Lords and Commons in Parliament assembled, That Books to the value of £30, of those Sequestered within London and Westminster, be bestowed on Mr. Hext, a Divine plundered by the Enemy.

(w) The number of Peers present averaged this month 13, namely, eight Earls (11-7), one Viscount, four Barons (7-2.)

1614.

A. D.
20

June 3. A Committee is *Ordered in the Lords*, to consider of the Assessment of Peers, and Assistants and Attendants on this House, for the Monthly Assessment.

The *Commons Resolve*, on a Report of long absence, That Sir Thomas Widdrington be admitted into the House.

June 6. The *Lords Order*, That Lord Chandois be committed to the custody of the Gentleman Usher of the Black Rod; and that Lord Howard bring up the Lord Viscount Conway to-morrow, on his Recognizances.

An Ordinance passes the *Commons* for felling £1000 of Timber out of the woods of Mr. Thomas Hacon, a Papist.

June 7. The Earl of Carlisle petitions for Privilege in a Suit depending in Chancery. Their Lordships think fit to grant his Petition, hoping there will be no prejudice to the justice of Chancery for so little a time.

The *Commons Order* the Sequestration of the Parish Church of Cottenham.

June 11. Resolved. Mr. Anthony Hungerford to be disabled, and Committed to the Tower.

June 12. The *Lords Resolve* to sit only on Mondays, Thursdays, and Saturdays, and desire the *Commons* to concur.

June 14. The Committee of both Kingdoms refuse to give an Account, according to an Order of the House of Lords, until it shall be ordered by both Houses.

Resolved. The House of Commons doth approve their conduct.

June 15. The Lords assign as a reason for not agreeing with the House of Commons in the Ordinance for excluding Members, "That this House hath already admitted the Earl of Holland to sit in this House."

Ordered in the Commons. Latin Letters, signed by the Speakers of both Houses, to be addressed to the States General, the States of Holland, Zealand, Utrecht, and the Town of Amsterdam, thanking them for their Collections for the Irish Protestants.

June 18. Robert White, for a Passage scandalous to a Member, the Earl of Stamford, in a Pamphlet, "The Kingdoms Weekly Intelligencer, sent abroad to prevent misinformation," is required, with Capt. Awdley, the Author, to put in Bail.

Resolved in the Commons, This House to adhere to the Ordinance for excluding Members, with the Amendments sent hence.

June 19. The *Commons Resolve*, the Lords proceeding to judgment against Colonel Edw. Kinge, after his Plea pleaded, That the cause depended here, is a Breach of the Privileges of this House, and of the Liberty and Right of the Subject, who may appeal to the Parliament, for presenting their Grievances, so that they may have redress.

Ordered. A Committee to consider the Proceedings of the Lords to judge a Commoner, without acquainting the House of Commons, and whether it is not a Breach of Privilege.

Late Divisions are 34-24, 74-53, 63-48.

June 27. The Earl of Holland requests he may not occasion a difference between the Houses concerning the Ordinance for excluding him among the Members that had deserted the Parliament.

June 29. The *Lords* agree to this Ordinance with the Commons' alterations. The Earl of Lyncolne Protests. (x)

(x) The average number of Peers present had been 13, viz., eight Earls (10-6), one Viscount, five Barons (7-2).

July 3. (Wednesday.) Resolved, Colonel Edward Kinge to be discharged from Imprisonment, without paying Fees, notwithstanding he is committed by Order of the House of Peers. 1644.
A. R. 20

An Ordinance is made for the due payment of Tithes, &c., according to the Laws and Custom of the Realm.

July 6. A Letter is sent to the Lord General, on his disobeying the commands of the Houses in going into the West, and desiring he will, for the future, pay a proper respect to them.

July 8. An Ordinance passes for an Additional Excise.

July 10. The House of Commons receives the States' Ambassadors with much ceremony.

July 12. An Ordinance is made for levying "a Standing Army" out of several Counties.

July 13. John, Lord Hunsden, is accused of High Treason by the Commons, for adhering to the *Enemies of the King and Parliament.*

July 15. Lord Hunsden, (Viscount Rochford) petitions that his Estate may not be sequestered. It is *Ordered*, in the Lords, to be secured till further Order.

July 17. The Lords send down an Ordinance, "For paying to the Peers that now sit in Parliament, their Creation Money."

The Sequestration is taken off the Estates of the Earls of Holland and Clare.

July 19. The Ordinance for regulating the Committees of both Kingdoms passes the Lords. The Earl of Lyncolne Protests.

July 22. Sir Robert Heath, Knight, Sir J. Bankes, Knight, (Lord Chief Justice Common Pleas) Sir Robert Foster, Knight, (one of the Justices of the Common Pleas,) Sir John Glanvill, Knight, (Sergeant at Law) are accused by the Commons of High Treason, for adhering to the *Enemies of the King, the Parliament, and the Kingdom.*

July 24. The Lords send a Message to expedite an Ordinance for Martial Law, in consequence of the numbers of Soldiers that desert their Colours.

A Committee is named to consider such Ordinances as are fit to be turned into Laws, and such Laws as are fit to be presented to His Majesty, with the Propositions for Peace.

July 27. Resolutions pass on Payments to be made by Noblemen and Gentlemen who have acted against Parliament, and on the sequestering of their Rents, Goods, &c. (y)

Aug. 5. A Declaration of the Protestants of Munster is read in the Lords. It states that "the Rebels and Popish Clergy have so palliated and disguised this bloody Rebellion, that many are fully persuaded they had reason for what they did. But all men of Judgment will change that opinion, when they know that though they were a conquered People, the Laws were administered unto them with as much equity as to the English; that they enjoyed their Religion, though not by toleration, yet by connivance; that their Lords, though Papists, sat in Parliament; and that the Election of the Knights of the Shires and Burgesses was free, and, though of a contrary Religion, were admitted into the House of Commons; yet for all these and many other vast favours and Privileges, they resolved upon a general extirpation both of the Protestants and their Religion. We could not pre-

(y) The Peers present averaged 14. Earls eight (10-6), one Viscount, five Barons (9-3).

1644.

A. D.

29

vent the leeching of multitudes of innocent Souls, and they have since continued this Rebellion with such pertinaciousness and Malignancy, that though we had been as guilty as we are innocent, yet the prosecuting the War with that Barbarousness had rather been a Sin than a Justice, &c. &c. The Rebels have at all times entered upon what Lands they thought fit, and their devilish nature having no bounds, they set guards upon the Highways to intercept our Markets, &c. They pray speedily to be furnished with assistance."

Aug. 19. The *Lords Resolve*, That no Members or Assistants of this House, shall sit after the 19th day of August, not having taken the National Covenant. The Earl of Lyncolne Protests.

Aug. 14. The *Lords Agree* to the Ordinance for Martial Law, with a limitation of the time for 4 months, and the omission of a Provision of the Commons. The Earl of Lyncolne Protests.

Aug. 19. Lord Willoughby, of Parham, takes the Covenant. Ordered. That the Bishop of Durham shall deliver up the County Palatine Seal.

Aug. 21. Lord Viscount Conway and Lord Rich subscribe the Covenant.

Aug. 30. The *Lords agree* to an Ordinance for referring the Management of the Irish War to the Committee of both Kingdoms.

The *Commons Order*, The Books of the Archbishop of Armagh and of the Lord Herbert of Chisbury to be forthwith sold, for the service of my Lord Fairfax's Army.

Late Divisions are 81 to 52, 67 to 40, 46 to 46, and 49 to 44. (a)

Sept. 4, and 13. The Sequestrations of the Estates of the Earls of Thanet and Westmoreland are taken off, on payment of Fines.

Sept. 16. A Letter from the King to both Houses to accommodate differences, is received.

Sept. 18. It is *Resolved*, That the Direction of the Letter from His Majesty, "To the Lords and Commons of Parliament, assembled at Westminster," is not a Direction which doth acknowledge the Parliament of England.

Sept. 23. The Sequestration of the Estate of Lord Herbert of Chisbury, is taken off.

Sept. 27. The *Commons Resolve* to set apart Monday Afternoon next for receiving and hearing Private Petitions.

Sept. 28. The *Lords Order* Baron Trevor to sit as Puisne Judge in the Exchequer, &c.

Sept. 30. Lord Maynard takes the Covenant.

The *Lords Order*, That some course be considered for a better attendance in their House.

The *Commons Order*, That on Wednesday the House consider some way of filling the House with Members.

Late Divisions in the Commons were 28 to 25; 44 to 6; 49 to 32. (a)

Oct. 6. (Saturday.) Wilkes Fitchett, who supplies the House with Firing, is allowed Privilege by the Lords.

Oct. 11. Lord Paget takes the Covenant.

(a) The average number of Peers who attended this month was 11, viz. six Earls, (9-3), one Viscount, 4 Barons (7-1).

(a) The number of Peers present during the month of September was 12, namely, six Earls, one Viscount, five Barons. The highest number of Earls was ten, and the lowest four. Of Barons, seven was the highest, and three the lowest number.

Oct. 12. *The Commons Order*, That the Committee of Sequestrations sitting at Campden House, shall deliver so much Sarsnet, as will make 62 Colours for the Lord General's Foot. 1644.
A. B.
20

Oct. 14. *The Commons Resolve*, That the Estates of Sir Robert Cooke, and Henry Coke, Esq., shall be sequestered; and Sir John Palmer's Jewels be sold, and the produce employed.

Resolved. The Rents and Revenues of the respective Halls and Colleges at Oxon shall be secured, and Mr. Selden shall prepare an Ordinance respecting them.

Oct. 18. *Ordered.* On Monday the Debate shall take place, AS TO FILLING THE HOUSE BY NEW WRITS.

Oct. 21. The Clerk of his Majesty's Works at Whitehall, and of his Majesty's Houses of Parliament, is allowed Privilege.

Oct. 24. *Ordered.* Mr. Speaker to receive no Message from any Foreign Ambassador, or Publick Minister, to be communicated to the House, but what shall be set down in writing and attested.

Oct. 25. His Majesty's Upholsterer attending the Service of this House (Lords) is allowed Privilege.

Divisions in the Commons occur of 61 to 42, 46-34; 49-17; 71-41. (5)

Nov. 4. (*Monday.*) *Ordered.* The Gallery of St. Margarets, Westminster, on every day of Humiliation or Thanksgiving, is to be preserved for the Members of both Houses.

The *Lords agree* to the Ordinance for banishing Edmund Waller, esq.

Nov. 6. *Ordered.* The Members of this House, for Counties, to present, with speed, three names, of each several County, of Persons out of whom they think fit to have one to be elected a Sheriff.

Nov. 7. The *Lords Agree* to the Propositions for a safe and well grounded Peace, "to prevent any further Debates and loss of time."

Nov. 12. *Ordered in the Commons.* Five Pounds to be bestowed on every Person that shall discover and take a Romish Priest or Jesuit.

Nov. 13. The *Lords* conceive it fit, as what hath been used in all Addresses to the King from both Houses, "That the Members of the House of Peers who represent that House in the Presentation of the Propositions to His Majesty, are, in all Publick Audiences, to precede. In all Private Meetings, the Lords are left to the rules of usual and common civility."

An Ordinance is sent up from the Commons for attainting of High Treason and adjudging to Death, William Laud, Archbishop of Canterbury.

Nov. 14. *Ordered.* The Committee in the Star Chamber to inquire into the nature and value of all Offices and Places, &c., bestowed by Parliament: what allowance is to be made to the Persons executing them, and what to the use of the Public; and first to begin with Offices, Places, &c., bestowed on Members of this House.

An Ordinance is committed, to prohibit walking upon the Exchange, and in the Fields, upon the Lord's Day.

Nov. 16. *Ordered.* The Committee at Goldsmith's Hall to

(5) Thirteen Peers attended during this month, namely eight Earls, one Viscount, five Barons. The greatest number of Earls present was ten, and the lowest four, and of Barons, nine and two.

1644.

A. D.

80

melt down forthwith the King's Plate delivered out of the Tower.

The *Lords' House* is called. There are present, Lord Grey de Warke, Speaker, six Earls, the Lord Admiral, seven Barons.

Nov. 28. *Ordered.* The Lord General to be desired that no Papists be employed in the Armies, upon Penalty, &c.

Nov. 29. Lord Delaware is allowed Privilege to free him from Soldiers billeted in his House. On the 4th, an Order is made for exempting the Houses of Peers and the Assistants and Attendants in Parliament from the billeting of Soldiers.

Nov. 30. The King answers on the Propositions delivered on Sunday last, "That being very long and of great moment and importance, as containing an Alteration of the Frame of Government, in Church and State, it cannot be expected that he should give a present, particular and positive Answer, but that all possible expedition shall be used, &c."

Divisions (this Month) 39-32; 37-23; 41-40; 48-33; 57-34. (c)

Dec. 9. (*Monday.*) The *Lords Order* the Company of Stationers to answer as to their knowledge of a "Scandalous Printed Libel against the Peerage of the Realm."

Resolved, in the *Commons*, That during the time of this War, no Member of either House shall have or execute any Office or Command, Military or Civil, granted or conferred by both or either Houses of Parliament, or any Authority derived from both or either, &c., and that an Ordinance be brought in.

Dec. 13. *Ordered* in the *Commons*, That no Private Ordinance pass through this House to be transmitted to the Lords, until the Parties concerned do first pay such Fees unto Mr. Speaker, the Clerks, Serjeant and others belonging to the House, as have usually been paid on passing such Bills.

Ordered. No Person of whatever quality or condition soever that is not a Member of either House, shall be admitted into the Church of Convent Garden, on Wednesday next, the day appointed for a Solemn Fast, &c.

Dec. 16. The *Lords Order*, That Thirty Seats shall be kept for the Lords, in Lyncolne's Inn Chapel, on the day of the Fast.

Dec. 17. The Lords deliver their Votes as to the Crimes committed by the Archbishop of Canterbury.

The Judges declare, That, in this case, they cannot deliver any opinion in *Point of Treason by the Law*, but what was particularly expressed to be Treason in the Statute, 25 Edw. III., cap. — and so they refer it wholly to the Judgment of this House.

P. M. A Report is made of a Meeting with the Duke of Richmond and Earl of Southampton, sent from the King, and of his Majesty's Answer.

Report is made from the Grand Committee on the Ordinance for disenabling Members, &c. On a Proviso, excepting the Earl of Essex, the Yeas are 93; Noes, 100.

Dec. 19. The Ordinance, &c., with a Proviso, excepting the Authority of any Lieutenantcy, Deputy Lieutenantcy, &c., passes and is sent up to the Lords.

A Committee is appointed to consider the necessities of the several Members of both Houses, and to present what allowance

(c) The Peers present had averaged seven Earls, one Viscount, five Barons; total, fourteen. The highest number of Earls was eleven, and the lowest three; and of Barons, eight and three.

they think fit for their present support and maintenance, &c., to meet in the Exchequer Chamber. 1644.

Dec. 28. Complaint is made against Hezekiah Woodward and John Milton for printing frequent scandalous Books. A. R. 20

On a Question in the *Commons*, for leave to speak against an Order of Thursday last, for entertaining no Private Business; the House divides. Noes, 65; Yeas, 55.

Dec. 30. On a Question in the *Commons*, Whether to concur with the Lords in sparing the Life of Sir John Hotham, the Noes are 94, the Yeas 46.

Other Divisions (this Month) are 65-56; 85-65. (d)

January 1. (Wednesday.) *Resolved*. No Judge or Minister of Justice, instituted and established by Ordinance of Parliament, shall or ought to stay the Execution of Justice, upon any Order of either House, unless there be a concurrence of both Houses in such Order. 1645. A. R. 20

Resolved. Execution to be done upon Sir John Hotham, according to the Sentence of the Commissioners for Martial Law, notwithstanding any Order or Warrant of Reprieve from either House of Parliament.

Jan. 2. *Ordered*. The House to be fitted and accommodated with Curtains for the Windows, and a new Chair, so fitted, that it may keep off the injury of the extreme Cold Weather from Mr. Speaker, and the Members that sit near the Chair; the Windows to be cleaned and mended, &c.

Jan. 4. The *Lords Order* that no Private Ordinance shall pass, until the Parties first pay such Fees unto the Clerk of this House as have usually been paid.

Ordered in the *Commons*, That the benefit arising by the Printing of the Ordinance for taking away the Book of Common Prayer, &c., shall be divided into three parts and bestowed upon the Clerk of Parliaments, the Clerk of the House of Commons and the Scribes of the Assembly.

(d) The attendance of Peers this month shows a greater average than in many past months; eleven Earls, one Viscount, and seven Barons having been present. Total 19. Thirteen Earls were present on one occasion, and the lowest number was eight. The Barons had been eight and three.

On the 18th of December a Public Fast was kept by both Houses. All the Preachers, before the Houses, spoke very boldly, and scrupled not to expose the faults of the Parliament. "There was as great Pride, as great Ambition, as little zeal and affection for the Public, as they had ever imputed to the Court. Whilst they pretended, at the Public cost, and out of the Purses of the Poor People, to make a general Reformation, their chief care was to grow great and rich themselves; and both the City and Kingdom took notice, that all the Offices in the Army, and all the profitable Offices of the Kingdom, were in the hands of the Members of the two Houses of Parliament, who, as the nation grew poor, as it must needs do under such insupportable Taxes, grew very rich. It could not reasonably be expected, that such men, enriched by the continuance of the war, would heartily pursue those ways which must put an end to their exorbitant Profit."

On the following day, Sir Harry Vane very much commended the Doctrines preached, as proceeding from God. He observed also, that "the numbers of the Members of Parliament who sat in either House were too few to give Reputation to Acts of so great moment as were transacted in their Councils; which, though it was no fault of them who kept their stations, but of those who had deserted their Places and their Trusts, by being absent from Parliament, yet, that, in truth, there were too many absent, though in the service of the House. If all the members were obliged to attend the Service of the Parliament, it would bring great Reputation to their numbers, and the People would pay more Reverence, and yield a fuller Obedience to their Commands."

Oliver Cromwell, too, commended the Preachers for having dealt plainly and impartially and told them their faults, which they had been so unwilling to hear. "Upon revolving what they had said, he could not but confess that all was very true; and till there was a perfect Reformation in these particulars nothing would prosper in their hands."

Sir H. Vane and he offer to lay down their Office and Commission. Hence arose the self-denying Ordinance, which was the occasion of all Cromwell's Power.

1645.

A. B.

80

Jan. 7. The King grants a Parlon to the Archbishop of Canterbury, but nothing is *Ordered* thereupon.

The *Lords* "considering the great Places the Archbishop hath been in, *insuing that he may have that favour shewed as to have his head struck off, and not be hanged,*" and they make an Ordinance accordingly.

The *Lords* assign *Reasons* for not assenting to the Ordinance for excluding Members.

Jan. 8. *Resolved*, in the *Commons*, This House doth concur with the *Lords*, That the Head of the Archbishop of Canterbury shall be taken off only, and that his head and his body shall be buried by the care of his Servants.

Resolved. The *Lords* sending down *Reasons*, without sending down an Ordinance itself, and the particular Amendments to it, expressing wherein they do agree or disagree, is a Breach of Privilege, and contrary to the course of Parliament.

Jan. 10. An Answer is received from my Lord General to an Order of the House requiring an Account, "Why the Lane was not kept, according to the Directions and Orders of the Committee of both Kingdoms."

An Answer is also read from the Earl of Manchester, to the effect, that, "He had not to his knowledge disobeyed any Orders of the Committee."

The *Commons Resolve*. This House doth expect, That Obedience be henceforth yielded to the Orders of the Committee of both Kingdoms, by my Lord General and the Earl of Manchester.

Jan. 11. In a Conference, the *Lords* justify their Proceedings as to the Ordinance, being such as no Amendment or Alteration could, in their opinions, make fit for them to pass.

The *Commons*, by a Message to the *Lords*, desire their speedy concurrence in passing the said Ordinance.

Jan. 13. The *Lords*, on a third Reading, reject the Self-denying Ordinance.

Jan. 16. Lord Paget is cleared, on a Fine of £500.

Jan. 22. The Yeoman of his Majesty's Removing Wardrobe, daily attendant on the *Lords'* House, by virtue of his Place, is allowed Privilege on Arrest.

Jan. 23. An Ordinance is made for Commissioners of both Houses to treat with the King's Commissioners at Uxbridge.

The *Commons Resolve*, That Sir Charles Shirley and Mr. Devereux be sent for, to answer the sending of a Challenge to my Lord Cranborne, a Member of the House.

Ordered. The House to meet at Eight. A. M.

Jan. 30. The *Lords Order*, That Sir Francis Church, for dangerous words against the King; and the Printer of a scandalous Pamphlet, "The Parliament Scout;" be brought up in custody. (e)

February 1. (Saturday.) The *Lords* make an Order for the Protestant *Lords* abroad to come home and attend Parliament, or their Estates to be sequestered.

The *Commons Resolve*, That £21,000 per mensem, shall be set upon certain Counties, Cities, and Places, for payment of the Scots' Army under the Earl of Essex.

Feb. 8. Isabella, Baroness of "Ella Warr," Dowager, is allowed Privilege, as a Peer's Wife, on a Debt sued against her.

(e) The average number of Peers present during this month was about 16; namely, ten Earls, one Viscount, and five Barons. The highest number of Earls was thirteen, and the lowest seven. The highest number of Barons was seven and the lowest two.

Feb. 13. The Earl of Carlisle is cleared, on a Fine of £800. 1645.
In the *Commons*, on a Clause, "That all who *refuse to take the*
Covenant, shall be displaced and made incapable to have any
Charge or Command in the Army, the House divides, Noes, 60;
Yeas, 44. A. B. 20.

Feb. 17. After many Debates and Conferences, an Ordinance for Sir Thomas Fairfax to command the Army, and for new modelling it, passes both Houses.

Ordered in the Commons, No Member is to presume to go over Seats, or to cross the House, or discourse, or whisper, during the sitting of the House, or to read any printed Book in the House, and Members offending to pay 12*d.* to the Poor Box.

Feb. 21. An Ordinance is made for impressing Marines, Sailors, Watermen, Surgeons, &c., and to *compel* Persons to find Arms.

Feb. 22. Resolved. The subject of a Conference shall be, The Mistake of the Lords' last Message, in desiring a free Conference upon a Business the House had never before conferred.

Feb. 24. The Lords Commissioners, who treated at Uxbridge, return this day, and are thanked in the *Lords*.

Divisions in the *Commons* (this Month) are 62 to 63; 42-27; 31-28. (f)

March 5. The Ministers, by Petition, represent to the Lords, "That by reason of the great Taxes, they have not a competency to live upon."

A Declaration is made concerning Soldiers in Mutiny.

March 10. Order is made to examine a Book called "*Britannicus*," supposed to be by Captain Awdley, one passage of which is very derogatory and scandalous towards the King. He is, afterwards, with the Printer, committed to the Fleet.

March 17. Lord Rich is allowed Privilege as a Peer, but if his Lordship sueth any, then the Commissioners are to acquaint this House therewith.

After serious Debate concerning a List of Officers for the new Army, presented by Sir Thomas Fairfax, the Contents and Not Contents are equal. The Lord Viscount Say and Seale tenders the Proxy of the Earl of Mulgrave. It is alleged there was a General Order, That no Proxy should be used. This being made a Question, it is *Resolved*, that search shall be made whether there is any such Order on Record, and in case there be not, then the Earl of Mulgrave's Proxy to stand good, and the Question to be carried in the Affirmative.

March 18. The Clerk of Parliament Reports, "That upon diligent search, it appears not on Record, that there is any Order to take away Proxies."

March 19. The Earl of Lyncolne coming into the House, notwithstanding the Lords' Order, "That no Member should sit after the 17th of August, 1644, until he had taken the Covenant," is commanded to withdraw. His Lordship refuses to obey the House, and is committed to the Custody of the Gentleman Usher, during pleasure. He is released on the 22nd.

March 24. The Lord Savill, coming from Oxford, is examined. The *Commons* "taking notice of some unworthy endeavours to asperse the integrity of their Proceedings, as aiming at the overthrowing of the Peerage, and undermining of the Rights

(f) The Peers present averaged 14; viz., 8 Earls, 1 Viscount, 5 Barons. The Earls never exceeded 12, or the Barons 8, and their lowest numbers were 5 and 4.

1645.

A. D.

29

and Privileges of the House of Peers, do unanimously *Resolve and Declare*, That they hold themselves obliged by the *Fundamental Laws of the Land*, to preserve the *Peerage*, with the *Rights and Privileges* belonging to the House of Peers, equally as their own, and will really perform the same: And, as, in the first place, they look to the carrying on of that great Common Cause of Religion and Liberty, wherein both Houses stand mutually engaged, which no respect whatsoever shall make either of them to desert, and which they will not (God assisting them) suffer to miscarry; so shall they towards these public ends, be very careful to preserve a right understanding between the two Houses, and will maintain the Right and Honour belonging to the Places and Persons of the Peers of England."

A. D.

21

March 29. In the *Lords*, on a Question concerning a Clause for preserving his Majesty's Person, &c., from all unlawful violence, however countenanced by any pretended Commission or Authority from his Majesty, the Contents are 10, and the Not-Contents, with the Earl of Mulgrave's Proxy, are also 10.

March 31. On the same Question, the Votes are again equal. P. M. The Question being again put, is *Resolved* in the Affirmative. Nine Lords enter their Dissent.

In the *Commons*, The Votes on a Division being equal, (51 against 51,) Mr. Speaker gives his Casting Vote with the Affirmative.

Other Divisions in the *Commons* (this Month) are 34 to 29; 71-61; 52-46. (g)

April 1. (Tuesday.) The *Lords* agree to omit the Additional Clause.

April 2. *Resolved*, in the *Commons*, This House doth accept the Surrender of my Lord General, the Earl of Denbigh and the Earl of Manchester's Commissions, and doth look upon this action of these Lords in this conjuncture, as a fit testimony of their duty to the Houses of Parliament, under whom they have so long served in so eminent employments.

April 3. After much opposition, and frequent rejection, the *Lords* Agree to the Ordinance for excluding Members of either House from holding Offices, Civil or Military.

April 4. Divers Gentlemen of Kent present a Petition to the *Commons*, for Election of another Knight in place of Sir Sydney Montague, deceased.

Report is made from a Conference. The *Lords* propound, that for those Places in the Kingdom, with which, usually, heretofore, the Nobility have been entrusted, as the Great Seal, &c. &c., and which are now managed by Committees, those Committees may consist of Members of both Houses, as their Power is derived from both.

The *Lords* declare, also, That notwithstanding some Discourses, they could never suspect that the House of Commons, composed of so many Gentlemen of ancient Families, would do any act to prejudice the ancient Nobility of England, &c.

April 7. The Peers present in the *Lords' House*, are Lord Grey, Speaker, eight Earls, one Viscount, four Barons.

A Committee, consisting of six Earls, one Viscount, five Barons, being appointed to consider of supplying the Places of

(g) The Peers present had averaged about 17—Earls 11, 1 Viscount and 5 Barons. The highest number of Earls was 13, and of Barons 8, and the lowest of each respectively, 8 and 1.

Members who hold Commands, the *House thinks fit to reduce the Number of the Committee to Three Earls and Two Barons.* 1645.

April 8. "Whereas, a Bill hath passed both Houses, for granting Election of Knights and Burgesses to sit in Parliament for the County Palatine of Durham, which is not to take effect till after next Session of Parliament," it is *Ordered*, in the *Commons*, 'That they may, at time convenient, bring in a Bill to take effect from henceforth.

A. B.
21

Resolved. Dr. Moreton to be committed to the Tower, for refusing to answer Questions propounded by Command of the House.

April 9. Resolved. The Committee to inquire and consider what Offices are avoided by the late Ordinance, and what Profit those Places yielded, and to settle a Salary to be allowed to such as execute the same, &c.

Resolved. Sir Oliver Fleming, Knight, Master of the Ceremonies, to report to the States Ambassadors, "The *Commons of England in Parliament assembled* will give them Audience, Tomorrow at Ten, if they please."

An Ordinance is twice read for a Committee of Lords and Commons to execute the Office of Lord High Admiral and Warden of the Cinque Ports.

April 19. The Countess Dowager of Manchester is allowed Privilege in a Suit.

April 21. The Lords acquaint the Commons, "That as the Plague is so near Derby House, their Lordships think fit the Committees of both Houses shall meet at the Queen's Lodgings in Whitehall."

April 23. Ordinances are made for Martial Law in Kent, and to prevent Pressed Men from Deserting.

April 25. The *Lords* make an *Order*, That Pews in the Abbey Church be kept for Peers' Wives, Judges, &c.

Privilege is allowed to the Deputy Treasurer at War for Ireland, employed by Parliament.

An Ordinance is made in the *Commons*, for bringing the Profits and Perquisites of such Offices and Places as are neither Military nor Civil, into a publick Treasury, to be disposed of as the two Houses shall appoint.

April 28. Colonel Tirrell is enjoined not to proceed in a Quarrel with Sir W. Andrews, and it is *Ordered* that Mr. Speaker shall have Power to send for Parties and secure their Persons, under such circumstances.

April 29. The *Commons Order*, That no Committee shall treat with any Member of either House, who has deserted the Parliament, for any Composition for his discharge, without Special recommendation from this House. (h)

May 3. (Saturday.) The *Lords* make an *Order* to vacate the Proceedings against Prynne, Bastwick and Burton in the Star Chamber and High Commission Court.

May 10. Whereas Lieutenant-General Cromwell is now in the actual Service of the Parliament, and in prosecution of the Enemy, it is *Ordained*, "That he shall continue in the Employment he is now in for 40 days longer, notwithstanding, &c."

Divisions (this Month) 36-34; 58-45.

(h) The average number of Peers had been 15, viz.—Earls 10, Viscount 1, Barons 4—The greatest number of Peers had been 12, and of Barons 7, and the lowest respectively, 7 and 1.

1645.
A. D.
21

May 14. On a Report from the "*Committee to supply the necessities of Members*," it is Agreed, That they shall receive £4 weekly, a-piece.

May 15. On an Order, appointing Captain Batten to Command the Summer's Fleet, the Question, Whether the Lords' concurrence shall be desired, is negatived by 41 against 39.

May 22. The *Lords Resolve*, to forbear to sit on Tuesdays and Thursdays, except upon urgent occasions.

The *Commons* refuse to concur, as to their House.

May 30. The *Lords* desire the *Commons*, that the *Arrears of Creation Money* may be paid to the *Peers*.

May 31. An Ordinance to make the *Buyer* liable to *Excise* as well as the *Seller*, is twice read, and committed to the "*Committee for Excise of Flesh*."

Divisions (this Month) are 49-39; 62-35; 60-53; 69-60; 53-45. (i)

June 2. (*Monday*.) *Resolved*. The disposal of all the *Forces* to be left wholly to the *Committee* of both *Kingdoms*, notwithstanding, &c.

June 3. Sixty-Eight *Members* are Reported for the weekly Allowance of £4.

June 5 to 16. The *Speakers* in the *Lords' House* are Lord Wharton, Lord North, the Earl of Denbigh and Lord Grey de Warke.

June 16. The *Lords* and *Commons Resolve*, That *Lieutenant-General Cromwell* shall continue as *Lieutenant-General of the Horse*, &c., for three months, from the end of the 40 days formerly granted.

June 17. Both Houses *Resolve* to accept an *Invitation* from the *City* and dine with them on *Thursday, Thanksgiving Day*.

June 20. Lord Savill is committed to the *Tower* for *Contempt*, in refusing to name, upon *Command* of both Houses, a *Person* who accused Mr. Holles.

It is Moved in the *Lords*, "*That some course be thought of to put an end to all these Distractions*."

June 28. The *Commons* send up a *Message* to *Impeach* the Earl of Stamford and others for *Breach of Privilege*, and an *Assault* upon Sir Arthur Haselrigge, a *Member*.

Divisions (this Month) 47-38. (k)

July 1. (*Tuesday*.) *Resolved*. The *Commission* to the *Master* of the *Rolls* to be continued six months.

July 2. Richards, for selling a counterfeit *Protection* of the Earl of Northumberland, for 13s. 6d., is sentenced to a *Fine* of £10, to *Imprisonment* and to the *Pillory*, wearing a *Paper* describing his *Offence*.

July 7. The *Club-Men* of Wilts and Dorset, an armed *Body* for their own defence, and not for the *King* or the *Parliament*, petition the *King* and *Parliament* for *Peace*.

July 8. *Ordered*. On *Thursday* at 8, the *House* to sit in *Grand Committee* to consider the raising of *Money* only, by the *Sale* of *Delinquents' Estates*, or other ways.

July 12. *Ordered*. A *Book* called "*Comfort for Believers*" to be *publickly burned*, &c.

July 18. *Ordered*. "*The Committee for Plundered Ministers*" to settle a constant course how *Rightful Patrons* may present to *Living*s upon death, or avoidance of the last Incumbent.

(i) The *Peers* had averaged about 15—namely, 9 *Earls*, 1 *Viscount*, and 5 *Barons*. The highest number of *Earls* had been 12, and of *Barons* 8; and their lowest number, 3 and 2.

(k) The *Peers* averaged 14; *Earls* 8, *Viscount* 1, *Barons* 5. The highest number of *Earls* present was 13, and of *Barons* 8; and the lowest of each 3 and 1.

July 19. The *Lords* refuse Privilege to an Officer of the Trained Bands, as not in the actual Service of the Parliament. 1645. A. R. 21

July 23. Ordered in the *Commons*, That all such Pictures at York House as are without any Superstition, be forthwith Sold. Such as have Representations of the Second Person of the Trinity, of God the Father, the Virgin Mary, or the Holy Ghost, are to be forthwith burned.

July 25. The Gentleman Usher of the Black Rod petitions the *Lords* for the Little Park at Windsor, as an Appurtenance to his said Place, but kept from him.

An Order is made that Possession be given, &c.

July 31. Royston, for a scandalous, railing, lying Book against the Parliament, "The Soldier's Catechism," is committed to the Fleet, his House is searched and the Books are burned. (1)

Divisions (this Month) 39-38; 43-37; 70-65; 95-55; 57-40.

Aug. 8. An Order of the *Commons*, That Lieut.-Gen. Cromwell be continued four months beyond the former three; is confirmed (12th) by the *Lords*.

Aug. 9. A Scandalous Pamphlet of Lieut.-Col. Lilburne taxing the Justice of Parliament, is referred to the *Commons'* Committee of Examinations.

Aug. 11. Informations are given against Sir George Sandys, Sir John Boteler and Colonel Page, Prisoners in Peter House, who had said, "The Major and better part of the Parliament that were good Subjects, had left the Parliament, and were with the King, and that it was unlawful to take up Arms against the King, which the Parliament had done, and that they were Traitors and Rebels."

It is Ordered, That the two former be committed to the Tower, &c., the Estate of Sir John Boteler be sequestered, and the Composition with Sir G. Sandys be taken off, and the whole benefit of the Estate be paid in.

Aug. 19 and 23. The *Lords* and *Commons* Declare, That all Persons whatsoever that shall associate themselves together in Arms, without Authority of Parliament, are Traitors to the Commonwealth.

Aug. 21. The House in a Grand Committee considers a Petition from the Borough of Southwarke, for electing two new Burgesses.

Ordered. Mr. Speaker to grant his Warrant to the Clerk of the Crown, to issue a new Writ in place of Mr. J. Whyte, deceased, and Mr. Edward Bagshawe, put out of Parliament by Order of this House.

Ordered. Upon new Elections of Knights and Burgesses, such as be elected shall take the National Covenant, upon admission into this House.

Ordered. A new Writ for the Borough of St. Edmondsbury, (two Members disabled) and for Hythe, alias Heth, (a Member deceased.)

Aug. 23. Ordered. A new Excise to be put on several Commodities.

Aug. 27. Ordered. The Commissioners of the Great Seal to consider fit Persons to be Judges in the Courts of Common Law, sitting at Westminster, &c.

(1) The Peers present this month averaged 13; namely, 8 Earls, 1 Viscount, 4 Barons. The greatest number of Earls present was 13, and the lowest 4, and of Barons 6 and 2.

1645.

A. R.

21

Divisions (this Month) in the *Commons*, are 49-41; 65-62; 42-24; 34-33; 58-53. (m)

September 1. (Monday.) Ordered. A Warrant to issue under Mr. Speaker's hand, directed to the Clerk of the Crown in Chancery, for the Election of one Burgess for Tewkesbury, (Sir Robert Cooke, deceased), and for the Town of Derby, (William Allestree, Esq., disabled by Judgment of this House.) Also for the Borough of Thurke, Yorkshire, (John Bellassis, Esq., disabled, &c.), for the Town of Beverly, York, (Sir John Hotham and Michael Wharton, Esq., both deceased:) for Queenborough, Kent, in place of Mr. Harrison, disabled.

Ordered. Upon issuing any Warrants, Mr. Speaker to send one of his Servants with the Warrant to the Clerk of the Crown, and the Clerk of the Crown to attend the Commissioners of the Great Seal with a Writ, and the Commissioners to take care that the Writ be delivered according to their directions.

Resolved. No Person that hath been in actual war against the Parliament to sit as a Member.

Sept. 2. Ordered. A Warrant to issue, &c., for a Burgess for Aye, Suffolk, (Fred. Cornwallis, disabled) for B. of Dunwich, Suffolk, (H. Cooke, Esq., disabled) and for B. of Sudbury, (Sir Rob. Coane, deceased).

Sept. 3. Ordered. Warrants, &c., for two Burgesses for Chichester, Sussex, (Sir W. Henley, Knight, and Christ. Lewkener, Esq., both disabled) for T. of Gatton, Surrey, (Sir Thomas Oldfield, deceased) for B. of Rigate, Surrey, (Sir Thomas Bludder, disabled) for B. of Newcastle upon Tyne, (Sir H. Anderson, disabled) for B. of Hartford, (Sir Thomas Fanshaw, disabled) for B. of Huntingdon, (Lord Montague, called by Writ to the House of Peers) for a Baron of the T. and Port of Rye, (Mr White, disabled) for two Barons of the T. and Port of Winchelsea, (Sir J. Finch, deceased, and W. Smyth, Esq., disabled) for two Barons for the T. and Port of Hastings, (Sir Thomas Eversfield, and Mr. Ashbornham, disabled) and for the T. of Arundell, (Sir Edward Alford, disabled).

Sept. 4. Ordered. The Mayor and Burgesses of the B. of Boston, to have the Estates of Sir Gervase Scrope, Knight, and Mr. J. Oldfield, in the County of Lincoln, to let and dispose of, &c., until the sum of £2,000 be raised for relief of the said Burgh.

Sept. 6. A Declaration passes the *Commons*, and is agreed to by the *Lords*, for vindicating the Parliament from Aspersions. "Their Intentions were to gratify our Brethren of Scotland with the Lands and Estates of the Inhabitants of the Dominion of Wales, for their assistance to this Kingdom."

Sept. 9. Ordered. A warrant, &c. for Borough of Thurke, Yorkshire, (Sir T. Ingram, disabled).

Sept. 11. Ordered. £5000 per annum to be allowed to the Earl of Northumberland for keeping the King's Children in an honourable way, and to have the use of Whitehall, St. James' House, Somerset House, or any other of the King's Houses near the City, as he finds occasion.

Ordered. A Warrant &c. for Midhurst, (Thos. May, Esq., disabled.)

Sept. 12. Ordered. Warrants, &c., for Steyning, East Greenstead, Salop, Evesham, Rippon, Pomfret, Knaresborough, Ald.

(m) The Peers present averaged only 11; namely, 7 Earls, 1 Viscount, and 3 Barons. The highest number of Earls had been 11, and the lowest 2; of Barons 5 and 1.

borough, Bramber, Great Grimsby, Stamford, County of Kent, 1645.
Scarborough, Morpeth, in room of Seventeen Members, disabled. A. n.

Resolved. Nath. Fienis, esq, a member, to be Summoned immediately to attend the service of the House. 21

Sept. 13. Ordered. The Records and Proceedings of the Court of Requests in the Rooms near the House of Peers, under custody of the Register of that Court, to be removed to other fitting places formerly appointed for these Records, and these Rooms to be fitted for keeping the Records of this House, to the end they may be preserved and transmitted to Posterity, and not suffer the prejudice they have formerly done, by coming into the hands of Executors upon death of former Clerks.

Sept. 15. Report is made from the Committee of Examinations concerning Charges against Mr. Speaker and Sir John Lenthall.

Resolved. The Complaint hath been raised and prosecuted without any ground at all, and the Proceedings against Mr. Speaker and other Members, are a high Breach of Privilege, and deserve severe and exemplary punishment.

Sept. 16. Ordered. All the Books and Manuscripts belonging to Edward, Lord Littleton, wherever found, to be hereby bestowed upon Bulstrode Whitelocke, Esq., a Member of this House.

Sept. 16. Report is made from the Grand Committee for raising Monies, That the Estates of Archbishops, Bishops, Deans, Deans and Chapters are not yet sequestered, unless for personal Delinquency.

Ordered. An Ordinance to be made for taking the Inheritance of those Possessions from them, and settling the same in Persons to be trusted by Parliament.

Sept. 17. Ordered. A Warrant, &c., for Malton and Higham Ferrers, (two Members disabled.)

Sept. 20. The Commons Resolve, That the Court of Wards and Liveries shall be taken away, and in lieu and recompense thereof shall be charged and raised upon the Kingdom of England and Dominion of Wales, the yearly sum of £100,000, to be disposed of by both Houses of Parliament.

A Message is sent from the *Lords*, "Whereas the Lord Hunsdon hath been accused by the House of Commons of High Treason, (Julii 13, 1644, whereupon he hath ever since been sequestered from the House of Peers) without any particular charge or prosecution, &c., the Lords finding in justice they cannot any longer detain him from his Place, intend to relieve him on Saturday next, (27th.)"

The Commons desire a Fortnight's delay for bringing in the particular Charge.

Sept. 22. Ordered. A Warrant, &c., for Alisbury, (Bucks) (Sir Ralph Varney and Sir J. Parkington, both disabled.)

Sept. 23. Ordered. A Warrant, &c., for County of Huntingdon, (Sir Sydney Montague, Knight, disabled.)

Ordered. The new Mayor of Darby, forthwith to execute the Precept from the Sheriff of the County for a new Burgess in place of William Allestree, disabled, and Sir John Curson; this order to be sent down forthwith, and a speedy Account to be given of the Mayor's Proceedings.

Sept. 25. Matthias Milward Petitions the Lords, that being presented to the Vicarage of Plumstead, Kent, he cannot obtain Institution, the Bishop of Rochester being absent, and there being no Chancellor. The *Lords* Order Sir Nathaniel Brent to give

1645.

A. R.

21

Institution and Induction to the Petitioner according to his Presentation.

The *Commons Order* a Warrant, &c., for B. of Colchester, (Sir Thos. Barrington, deceased).

They *Resolve* to clear the Earl of Denbigh, so far as concerneth his Fidelity and Affection to the Publick.

Warrants, &c., are *Ordered* for Stafford, Poole, Weymouth, Melcombe Regis, Bridport, Shaftsbury, Corfe Castle, Bristol, Bathon, Wellen, Taunton, Bridgwater, Ilchester, Milborne Port, Wendover, Apulby, Wiccomb, Richmond, Carlisoll, County of Cumberland, County of Northumberland, Tamworth, Haverfordwest, Newcastle-Under-Lyne, and Colchester, in place of Thirty Five Members disabled and some deceased.

Sept. 26. The *Lords* receive a Letter from the Prince of Wales, at Exeter, (15 Sept., 1645) on Propositions for Peace.

Warrants, &c., are *Ordered* for Reading and Abbington, in place of two Members disabled and deceased.

Sept. 30. Warrants, &c., are *Ordered* for New Sarum, Old Sarum, Downton, County of Rutland, Leicester, County and City of Norwich, in place of Seven Members disabled. (n)

October 1. (Wednesday.) Lord Savill having reported that Mr. Hollis, a Member of the Commons, did hold correspondence with Lord Digby, and discover the Counsels and Proceedings of Parliament to the Enemy, is bailed by the Lords.

The *Commons* offer Reasons why he should not be bailed.

The *Lords Order* his Committal to the Tower.

Oct. 6. The Earl of Denbigh is appointed Speaker of the Lords' House, pro tempore.

The Clerk of the Crown is *Ordered* to issue Writs of Summons to the new Judges, for their attendance in the Upper House of Parliament.

Oct. 11. A Letter is received from the Earl of Lyncolne, complaining that he is debarred from sitting in the House, for not taking the Covenant, according to a *Resolve* of the Lords, 10 Aug., 1644.

The *Commons Order* Warrants, for the Counties of Warwick and Westmoreland, in place of four Members disabled, and for the Borough of Hindon and County of Dorset, in place of two Members deceased.

Oct. 13. The *Lords Resolve*, That the vote of the 10th of August shall be revoked, and that the Earl of Lyncolne may be called in to take his Place as a Peer.

Oct. 14. Warrants are *Ordered* for Lancaster, (two Members disabled) and for Preston, (one deceased.)

Oct. 15. A Warrant is *Ordered*, to replace a deceased Member for Cambridge, and one disabled for the County.

Oct. 16. A Letter, directed to Mr. Speaker, is read, from the Mayor of Sandwich, with the contents of a letter from the Earl of Denbigh, touching the Election of his son, Mr. Charles Riche, to serve for that Town.

Ordered. The Committee of Privileges to make examination of all Letters written by any Peers, touching the Electing of any Members to serve in this House.

Ordered. The Clerk, together with the Warrant to the Clerk

(n) The Average of Peers in attendance had been 10; namely, 6 Earls, 1 Viscount, and 3 Barons. The highest number of Earls had been 12, and of Barons 7, and the lowest respectively 3 and 1.

of the Crown for issuing a Writ for Election, &c., to send a Copy of the Order of this House (Dec. 1641), touching Letters written by Peers, &c. 1645.
A. R.
21

Oct. 17. The Houses *Resolve*, that Lieut.-Gen. Cromwell be continued in command for four months after the determination of his last term.

Oct. 18. Ordered. Mr. Maynard to have all the Books and MSS. of the late Chief Justice Banks, with power to seize the same.

Ordered. Mr. Recorder to have all the Books and MSS. of Mr. John Vaughan, of the Inner Temple, wherever found, for his own use.

Oct. 20. The Marquis of Winchester, taken in Arms at Basing House, is committed to the Tower.

The *Commons Resolve*, That Sir John Price is within the Ordinance for disabling Members, and that he be hereby disabled.

Oct. 25. Warrants are *Ordered* for the City of Winton, and for New Town, Isle of Wight, in place of three Members disabled. Also, for Gloucester, Portsmouth, Christchurch, Mynehead, and the County of Somerset, in place of six Members disabled, and one deceased.

Ordered. No new motion to be made after 12, and Mr. Speaker to leave the Chair unless the House is in Debate, or order otherwise.

Oct. 27. Lord Noel, Viscount Campden, having come to London, from the King's Quarters, is committed to the Black Rod. He is brought to the Bar but does not kneel as a Delinquent, and his Sureties (Manuceptores) whom the House approves, enter into Recognizance for £10,000, that he appear before the Lords in Parliament, two days after notice left at his House in Kensington.

The *Commons Order* Warrants for the County of Bucks, (two Members deceased); for Leicester, (the Earl of Kent being removed to the House of Peers); for the Borough of Calne, (a Member disabled), and for Castle Rising.

Divisions (this Month) 44-40; 63-43; 43-40; 49-40; 83-32 (o)

November 1. (Saturday) A Warrant is *Ordered* for Newport, alias Medena, Isle of Wight, (Lord Falkland, disabled;) and for Wotton Bassett, (Mr. W. Pleydall.)

Nov. 10. The Earl of Lyncolne takes and subscribes the Covenant.

The Lord Cromwell having petitioned to be received into Favour, is *Ordered* to give Bail for his appearance.

A Warrant is *Ordered* for County of Southampton, (Sir Henry Wallop, deceased.)

Nov. 12. A Warrant is *Ordered* for Guilford, (Mr. Abbot, deceased) for Marlborough, (John Franklyn, deceased) Bishops Castle, (Rich. Moore, esq., deceased, and Sir Robert Howard, disabled) for Nottingham, (Wm. Stanhope, disabled.)

Nov. 14. Many Ordinances are made to authorize the Commissioners of the Great Seal to pass a Pardon for offences against Parliament, under admission of a Fine: also for divers Rectories.

Resolved. Two Members of this house to be employed to the Parliament of Scotland.

(c) The average number of Peers who had attended was 14; namely, 9 Earls, 1 Viscount, and 4 Barons. The greatest number of Earls present had been 12 and the lowest 7, and of Barons 7 and 2.

1645.
A. D.
21

Nov. 15. The Earl of Ancram claims Privilege as a King's Servant.

Nov. 17. James —— having, among other words against the Lord Viscount Say and Sele, said, "that none of the Fiennes nor my Lord Say ever did any good to the State, &c." is sentenced to pay a Fine of £50 to the King, to imprisonment in the Fleet during pleasure, is put out of his Offices and Places in the Excise, and out of all Committees.

In the *Commons*, the Question, "whether an Assessment shall be made for assessing and raising by a Tax throughout the Kingdom, in a proportionable rate to every Householder's Estate, the Value of One Meal every month, for the relief of Mounster, in Ireland, to continue six Months," is *negatived* by 69, against 86.

Resolved. The Election of Mr. Tanfield Vachell, for Reading, is void, because the Poll was not granted, being duly demanded; and a Warrant to issue, &c.

Ordered. Major-General Browne, a Member, to be examined before the Committee of Privileges, concerning the Election of Knights of the Shire for Bucks.

Resolved. All Elections of Knights, Citizens, or Burgesses to be made without interruption or molestation by any Commander, Governor, Officer or Soldier, that hath not in the County, City or Borough, respectively, Right of Electing, and this Order to be sent to Reddinge, at the next Election.

Ordered, on the Petition of the Corporation and Citizens Inhabitants, "That the Mayor do forthwith proceed to the Election of two Burgesses to serve for the City of Chichester according to the Warrant, &c.

Nov. 19. Privilege is allowed to the Solicitor of the Earl of Essex, arrested.

Sir Henry Mildmay claiming Privilege as Lord Fitzwalter, by Descent unto him of the Dignity aforesaid, "The Lords Answer, That this House knoweth no such Person as the Lord Fitzwalter."

In answer to a Petition of the Lord Mayor, &c., the Speaker, by command of the *Commons* declares, "they find the Proceedings of the Parliament misrepresented. Out of a tender sense of their Privileges, the Commons desire, that, in things depending in Parliament, their Proceedings may neither be prejudiced nor any sense put upon them, *other than the Parliament itself shall declare*."

Nov. 20. The Servant of a Member being apprehended and imprisoned by the House of Peers, *Resolved*, a Writ of Habeas Corpus to issue from the Commissioners of the Great Seal to bring such Servant to the Bar of the House, with the Cause of his Commitment.

Nov. 22. The *Commons* having, without Message or Conference, *Ordered* a Warrant, under the hand of Mr. Speaker, to the Gentleman Usher of the House of Peers, or other Officer there, in whose Custody Thomas Grove, (the Servant,) is detained, contrary to the Privileges of the House, requiring him forthwith to deliver and discharge him, the *Lords* conceive this to be a Breach of their Privileges.

Nov. 24. The *Lords Agree* to an Ordinance for disabling the Judges at Oxford from sitting.

Nov. 25. Lady Maynard, late wife of Lord Maynard, deceased, is allowed Privilege in a Suit.

Report is made, in the *Commons*, of a Conference respecting

Thomas Grove. The *Lords* express their Opinions, That this House should first have conferred with them before this Warrant issued; but they agree to discharge him. 1645.
A. R.
21

Nov. 27. The *Commons Order*, That Mr. Nicholas, a Member, who had the Chamber of Mr. George Beare conferred on him, shall have the Books and Manuscripts likewise.

Nov. 29. A Warrant is *Ordered* for Houiton, (Sir W. Poole, disabled).

Ordered. Three disabled Members to be brought to the Bar on Monday.

Resolutions are taken on the Propositions, as to Members who have deserted the Parliament, and sat in the *unlawful Assembly at Oxon, called, or pretended to be, a Parliament*.

Resolved. It shall be High Treason in any Person or Persons to levy, conduct, or command any Forces, without Authority and consent of both Houses of Parliament, to the disturbance of the Public Weal of these Kingdoms.

The *Commons Resolve*, That the Titles and Dignities of a Baron and Earl of the Kingdom of England, with all Rights, Privileges, Pre-eminences, and Precedencies, &c., shall be conferred and settled upon Ferdinando, Lord Fairfax, and the Heirs Male of his body; and that his Majesty be desired in the Propositions, to grant and confer the said Titles and Dignities upon him.

The Title and Dignity of a Baron of the Kingdom of England, and an Estate in fee simple of Lands of £2,500 per annum, be bestowed, &c., upon Lieut.-Gen. Cromwell, and his Heirs forever.

The Title and Dignity of a Baron, &c., to be conferred on Sir Thomas Fairfax and on Sir W. Waller, and the latter to have an Estate of £2,500 per annum.

An Estate of £2,000, &c. to be bestowed on Sir Arthur Hazelrigg.

The Title and Dignity of a Duke of England to be conferred on Robert, Earl of Essex, and his Heirs Male; on Algernon, Earl of Northumberland, and his Heirs Male; on Robert, Earl of Warwick, and his Grandchild, and the Heirs of his Grandchild; and on Philip, Earl of Pembroke and Montgomery, and his Heirs Male.

An Estate of £2,000 per annum, forever, to be bestowed on Sir Philip Stapleton, and his Heirs Male.

The Title and Dignity of *Marquis*, &c., to be conferred on Edward, Earl of Manchester, and his Heirs Male.

Ordered. A Committee to consider of means for the Support of the Honours conferred on the four Earls to be made Dukes, and the Earl to be made Marquis.

The Title and Dignity of *Viscount*, &c., to be conferred on Denzell Holles, Esq., and his Heirs Male.

An Estate of £1500 per annum, to be bestowed on Sir W. Brereton, and his Heirs Male.

The Title, &c., of *Earl*, to be conferred on John, Lord Roberts, and his Heirs Male; also, upon W., Viscount Say and Sele, and his Heirs Male; also, upon Philip, Lord Wharton, and his Heirs Male; also, upon Francis, Lord Willoughby of Parham, and his Heirs Male.

The Title of *Marquis*, &c., upon W., Earl of Salisbury, and his Heirs Male.

The Title of *Baron* upon Sir Henry Vane, Sen., Knight, and his Heirs Male.

1645.

A. D.
21

An Estate of £1,000 per annum upon Serjeant-Major-General Philip Skippon, and his Heirs Male.

Resolved. The Persons to be created as above, to inherit the said Titles, &c., in the same Priority and Precedency as those they now hold.

Ordered and Declared. The Lands and Estates now conferred, except that of Sir Thomas Fairfax, shall not inure to the Persons, &c., until the Publick Debts and Engagements of the Kingdom be first satisfied.

Resolved. It shall be an acceptable Service for any Person, &c., to inform this House, of any Member or Members, that by himself or others, &c., for any matter or thing depending in this House, or any Committee of this House, hath taken or received any Money or other thing, since the beginning of this Parliament.

Ordered. The House to be resolved into a Grand Committee every Thursday, weekly, to consider the matter of the Privileges of Parliament, concerning Debts or Engagements by Members of Parliament, &c., the arbitrary Powers exercised by any Committees of either of the Houses of Parliament, and in the respective Counties, and whether any Member of this House doth hold any Office, Military or Civil, contrary to the Ordinance for disabling the Members to hold Offices.

Divisions (this Month) 83-35 ; 74-61. (p)

December 1. (Monday.) A Petition from Sir H. Mildmay, Knight, Cousin and Heir to Robert, late Earl of Sussex, Lord Fitzwalter, represents that his claim for the Barony made at the beginning of this Parliament, and, 20 April, 1641, referred by his Majesty to this House, hath not proceeded to a hearing. He therefore prays, &c.

The *Lords Resolve* that Sir Oliver Fleming, M.C., in regard of his great services to Parliament, as a Servant to Parliament, shall, upon all occasions, have Privilege.

Dec. 3. The Earl of Northumberland's Chaplain, is allowed Privilege.

Four Persons are sent for, on account of words spoken against the Lords in Parliament and their Order.

The *Commons Resolve*, That the Return made by the Sheriff of Cumberland, of Sir Thomas Sandford, Bart., as a Burgess for Cockermouth, in place of Sir John Fenwick, Bart., without the Return of the Bailiff of the said Borough, is void. The Sheriff ought to have made a Return of the Indenture returned by the Bailiff and Burgesses of Cockermouth. But, forasmuch as the Sheriff is dead, the House Orders the Clerk of the Crown in Chancery, to come to the Bar, and file the Indenture returned by the Bailiff and Burgesses, of Mr. Francis Allen, to serve, &c., with the Writ directed to the said Sheriff for the said Election.

A Warrant is *Ordered* for the County of Norfolk, (Sir Edward Montford, deceased).

Dec. 5. Ordered. A Warrant for County of Pembroke and B. of Ipswich, (two Members deceased); and for T. of Cardiff, (a Member disabled, and since deceased); also for the Town of Brecon.

Dec. 10. The Earl of Devon is cleared of his Delinquency.

(p) The Earls had averaged 7, the Barons 5, and 1 Viscount had, as usual, been present. Total, 13. The highest number of Earls had been 13, and the lowest 2, and of Barons 9 and 1.

The *Lords Resolve*, That the Answer to the King shall be communicated to the Scots' Commissioners. The Earl of Lyncolne Protests. 1645.
A. D. 21

Dec. 11. The Commons Resolve, That for time to come, no new Power shall be granted by the King to any City or Borough to send any Citizens or Burgesses to the Parliament of England, saving only by Acts of Parliament, upon Petition of the House of Commons, assembled in the Parliament of England.

Dec. 12. The Commons Resolve, That Two full parts in Three, of all Estates of Members who have deserted the Parliament, and have not rendered themselves before Dec. 1, 1645, shall be taken and employed for Public Services.

Resolved. Such as shall not render themselves before the 25th day of March, shall forfeit their whole Estates, &c. &c.

Dec. 13. William, Lord Viscount Say and Sele, petitions for some Allowance on account of his great losses during this War.

Dec. 17. A Second Letter is received from the King asking a Pass for certain Commissioners to treat of Peace.

The Earl of Holland petitions for an Allowance in consideration of his losses.

Dec. 19. Eight Ordinances are made for clearing Delinquents on Fines paid.

The Houses determine that there shall be no Treaty with his Majesty, but that a positive Answer shall be required to the Propositions to be sent from both Houses,

Dec. 23. The Houses answer the King, "They cannot give way to a Safe Conduct, but will present Propositions with all speed."

Dec. 25. It is Ordered that £2,000 per annum shall be paid to Lord Viscount Say and Sele.

Dec. 26. Ordered. Such Members of either House as are only *Lodgers*, and have no Houses, or occasion to detain them here, but to give attendance on Parliament, shall not be assessed for their Lodgings.

Ordered. Such as take *Houses* for their necessary accommodation during attendance, shall pay to all Assessments within the Cities of London, Westminster, and the Lines of Communication, laid by Parliament, only according to the Ordinance, and not otherwise.

Dec. 27. Ordered. All Commanders, Officers, and Soldiers, that serve the Parliament, to pay their Assessments, as other Persons.

Dec. 29. A Third Letter is received from the King, proposing to come in Person to Westminster, to treat with the Houses and the Scots' Commissioners, for forty days.

Ordered. The Sheriff of the County of Cambridge to make a Return of the Writ for the University of Cambridge, To-morrow Se'nnight, at his Peril.

Dec. 30. In a Fourth Letter, the King "leaves all the world to judge whether his Proposition for a Personal Treaty, or the flat denial of Safe Conduct for Persons to begin a Treaty, be greater Signs of a real Intention to Peace. He doubts not, upon his repairing to Westminster, so to join his endeavours with his Two Houses of Parliament, as to give just satisfaction, &c."

Ordered. A Warrant for the County of Lancaster, (a Member disabled, and since deceased); for the T. of Newton, (Lancaster), (a Member disabled); and the same for the Town of Wigan.

1646.
A. D.
21

Divisions (this Month) 51-56; 81-83; 77-75, (g)

January 1. (*Thursday*.) Lord Say and Sele claim to be Lord Warden of the Cinque Ports.

Ordered. A Warrant, &c., for Retford, (Lord Mansfield and Sir Gervoise Clifton); and for Lynn, (Mr. Percival, deceased.)

Jan. 3. The *Lords* (by Message) intend to sit this Afternoon at Five, and desire the Commons to do the like.

Resolved. To sit this Afternoon, and the Serjeant to provide Torches for the Service of the House.

Resolved, (p.m.) Mr. Richard Seabourne to be disabled.

Jan. 5. An Ordinance is made for paying Mr. Pym's Debts.

Resolved, (p.m.) The Government of the Kingdom of Ireland shall be in One Person.

Ordered. A Warrant, &c., for Abingdon, (Sir John Stonehouse, disabled.)

Ordered. This day se'nnight to consider what Members have deserted the House, and have not yet been disabled.

Jan. 7. On the Proceedings against the Earl of Stamford, the *Lords* make an Order, that his Lordship hath leave to make his application to the House of Commons as he shall think fit; and that Henry Poulter shall be examined in this case, "*de bene Esse*."

Jan. 8. The Scots' Commissioners refuse their Assent to the answer proposed to be sent to His Majesty. Their alterations are adopted.

Jan. 9. "The Lady, Marquess of Winchester, restrained by the Committee of Examinations," is Ordered to be delivered to the Gentleman Usher of the Black Rod.

The Commons Order a Warrant for Great Bedwyn, (Sir Walter Smith, and Sir Richard Harding, disabled.)

Jan. 13. Lord Eure petitions for a Competent Allowance out of his own Estate, and is recommended to the Committee of Sequestration.

Lord Brudenell, taken at Hereford, is committed to the Custody of the Gentleman Usher.

Jan. 13. Report is made from the Committee of the West. That a principal cause of the distractions in the County of Somerset, is the Supposed undue Proceedings in Elections for Knights of that County.

Jan. 15. The Marquis of Winchester, in the Tower, "having nothing to feed him, but what his Keeper voluntarily gives him," is, by the *Lords*, recommended to the House of Commons for an Allowance out of his own Estate, "that he may not starve."

Jan. 16. A Fifth Letter from the King desires an Answer to his former ones for a Personal Treaty.

Jan. 17. An Ordinance for Martial Law passes the *Lords*. The Earl of Essex and the Earl of Lyncolne, Protest.

Jan. 19. A Sixth Letter from the King desires a positive Answer to his Request for a Personal Treaty. "To shew the reality of his endeavours for Peace by his desired Personal Treaty (the likeliest way to attain that blessed end) he thinks fit to call for an Answer to that and all his former Messages; for certainly no rational man can think their last Paper any Answer to his former demands, the scope of it being, 'That because there is a war, therefore, there should be no Treaty for

(g) The Peers present had averaged 15; viz., 9 Earls, 1 Viscount, 5 Barons. The highest number of Earls was 12 and the lowest 4, and of Barons 9 and 1.

Peace.' It is impossible to expect that the Propositions mentioned should be the ground of a lasting Peace, when the Persons that send them *will not endure to hear their own King speak.* But whatever Success he may have had, and how small soever His Majesty's hopes are of a better, considering the high Strain of those who deal with His Majesty, he will neither want fatherly bowels to his Subjects in general, nor will he forget that God hath appointed him for *their King* with whom he treats."

1646.
A. R.
21

The *Commons Order* a Warrant for Shrewsbury, in place of a Member deceased.

Jan. 20. An Act "for Abolishing Popery and extirpating the usurped Jurisdiction of the See of Rome" is committed in the Commons.

An Act for *Suppressing Innovations in Churches and Chapels*, and destroying all Monuments of Idolatry and Superstition, is also Read.

Jan. 21. *Resolved.* A Warrant for Cardiff, (a Member disabled and since deceased) and for Radnor, (a Member disabled.)

Jan. 22. *Ordered.* *Two Thirds of the Goods, &c., of the Earl of Dorset*, to be employed for the Garrison at Dover.

Jan. 23. Lord Furbeck petitions the Lords to be admitted to his seat in the House.

Resolved. Lieutenant-General Cromwell to be continued for six months.

Jan. 26. The *Lords* receive a *Seventh Letter* from the King, his former ones being unanswered, "to remove objections to a Personal Treaty."

The Earl of Newport, taken at Dartmouth, is committed to Black Rod.

Resolved. The 20th Proposition, That no Peers shall be made, to have Voice or Seat in Parliament, without consent of both Houses, shall be one of those to be sent to His Majesty.

Jan. 27. A Pamphlet, intituled, "A Word to the Wise, displaying great augmented Grievances, and heavy pressure of dangerous Consequence," is referred to a Committee, to inquire after its Author.

Jan. 29. The *Lords* appoint the Earl of Manchester, Speaker, for a month.

The *Commons Resolve*, The Serjeant to apprehend the Parties who, &c., delivered a Pamphlet at the Door, "A Confession of Faith of Seven Congregations, &c.," and the Masters and Wardens of the Company of Stationers to take diligent care to seize and suppress it.

Resolved. Mr. Roger Mathewes, chosen a Member of Parliament, and adhering to its Enemies, to be Committed to the Tower.

Resolved. To refer to a Committee a Scandalous Pamphlet, intituled, "Truths Manifest."

Jan. 30. *Resolved.* To be one of the Propositions, To declare null all Oaths, Declarations, and Proclamations against both Houses of Parliament, and a Clause to be added, whereby all the Proceedings of the Parliament of each Kingdom, and of both or either House of Parliament, and of all that have acted by their Authority or Allowance, are asserted and declared just and lawful.

Jan. 31. An *Eighth Letter* from the King for a Personal Treaty, concludes: "And now his Majesty having so fully and clearly expressed his intention and desire of making a happy and

1646.
A.D.
21

well grounded Peace, if any Person decline that happiness by opposing so apparent a way of attaining it, he will sufficiently demonstrate to all the world, that his intention and design can be no other than the total *Subversion and Change of the antient and happy Government of this Kingdom, under which the English Nation hath so long flourished.*"

In the *Commons*, an Act for enacting the Propositions, and turning them into an Act of Parliament, is committed.

Ordered. Mr. Speaker to acquaint the House when any Message shall come from the *Lords*, and the Messengers to be immediately called in, unless the House be then engaged in business, and after such business in Debate be ended, the Messengers to be called in before any other business be proceeded in.

Divisions (this Month) 58-30 ; 66-64 ; 110-73. (7)

February 6. (Friday.) The *Lords* pass the Ordinance to continue Lieutenant-General Cromwell. The Earl of Lyncolne dissents.

Feb. 7. An Ordinance passes for pressing Mariners.

A Certificate is read of the Clerk of the Crown, on the Return of George How and Edmond Ludlowe, to serve for the Borough of Hendon, in place of two Members deceased; the one by the Bailiffs and Burgators; the other by the Burgesses and Inhabitants.

Question being put, Whether this be a good Certificate, upon which a Member ought to be sworn and sit, it passes in the Negative.

Feb. 9. Ordered. A Warrant for Dartmouth, (Mr. Roger Mathewes disabled); and for Plympton, (Sir Nicholas Slany, slain in Arms against the Parliament).

Feb. 10. Lord Morley is allowed to compound for his Delinquency, and (11) the Earl of Cleveland to have the Liberty of the Tower.

Ordered. A Warrant for County of Nottingham, (Sir Thomas Hutchenson, deceased, Mr. Sutton, disabled); and for Town of Carmarthen.

Ordered. This Day Se'nnight, to consider of easing People from their Sufferings under Committees.

Feb. 14. Report is made from a Conference on an Ordinance for Martial Law. The *Lords* adhere to a Clause exempting the Peers of this Realm, the Judges, and the Assistants and Attendants of the House of Peers, from being sent for on Warrants of the Commissioners for Martial Law, as Delinquents or Witnesses. They do not think it fit that the Privilege of Parliament should, in that case, be waved. They do not agree to an Amendment, "without assent and leave first obtained of the Houses of Parliament respectively, whereof he is, shall be, or hath been, a Member, Assistant, or Officer," as intrenching against the most inherent Privilege of Peers of the Realm, not only in, but out of Parliament, who, in cases Capital, are invested by the fundamental Laws of the Kingdom, with the Right of Tryal by Peers.

Ordered. The Interest and Estate in all Advowsons and Rights of Patronage unto Churches belonging to Delinquents, shall, upon their Compositions made, be reserved to the Disposal of Parliament.

(*) Seventeen Peers, on an average, were present during this month; 10 Earls, 1 Viscount, and 6 Barons. The highest and lowest number of Earls were 13 and 4, and of Barons 9 and 4.

Feb. 16. Resolved. A Committee to consider some way for preserving and ascertaining the Privileges of this House in the Matter of Money and Revenue of this Kingdom. 1646, A.D. 21

Feb. 17. The Earl of Northampton is allowed to Compound for his Delinquency, and to have a pass to go beyond Sea.

Ordered. A Warrant for Grimsby and Beeralston, (both Members deceased.)

Resolved. No Ambassador, Agent or Publick Man to be so accepted until he tender his Powers to the Houses of Parliament.

Feb. 21. Ordered. To discover the Authors, &c. of a scandalous Pamphlet, "Another Word to the Wise."

Feb. 24. A Message is sent up from the Commons for abolishing the Court of Wards, &c., and, "That all Tenures by Knights' Service either of his Majesty or others, or by Knights' Service or Socage in Capite of his Majesty, may be turned into Free and Common Socage;" to which the *Lords Agree*.

Feb. 27. The Earl of Manchester is continued Speaker for two months longer.

Feb. 28. A Ninth Letter is received from the King: "Nothing being equally dear to him to the Preservation of his People, his Majesty passeth by many scruples, neglects and delays, and once more desires a speedy Answer to his last Message, &c."

Ordered. A Warrant for Chester, (Mr. Venables.)

Divisions (this Month) 105-98; 119-93; 48-36; 104-64; 120-72. (s)

March 2. (Monday.) Mountjoy Blount, Earl of Newport, his Estate being Sequestered, prays an Allowance for his Maintenance.

Ordered. The Members of this House that know the name of the Person that is called "the Unknown Knight," to name him on Friday Morning.

March 7. Resolved. The Report from the Committee of the West, sent down from the Lords, to this House, Jan. 22 last, being to set a Charge upon the Counties, ought to be rejected, the Message expunged, and no Record kept thereof; the Lords having made a breach of Privilege of this House in voting the said Report first in their House, and entering the same in their Books, and sending it to this House by a Message desiring the concurrence of this House therein, the said being concerning the Raising of Monies.

March 14. The humble Petition of the Inhabitants of the County of Durham, "desiring some course that they may have Knights and Burgesses," is read and referred to a Committee.

Resolved. The Great Seal of England to be committed to the Custody of Members of both Houses, for the present.

March 16. Resolved. The Stile to be given to the Lord Lisle, to be Lord Lieutenant-General of Ireland,

March 17. Resolved. An Invitation to be given to the Prince from both Houses, desiring him to come into the Parliament's Quarters, to reside in such Place, and with such Council and such Attendants as both Houses shall appoint.

March 19. Ordered. That the Lord Morley and Mounteagle be taken into safe custody, by the Gentleman Usher.

March 20. In the Commons, the Gentleman Usher of the House of Peers is called in, and after three Obeisances, being

(s) Twenty Peers had, on an average, attended: 11 Earls, 1 Viscount, 8 Barons. The highest number of Earls had been 13, and the lowest 6; and of Barons 11 and 3.

1646.

A. H.

21

come up to the middle of the House, informs the Speaker, The Lords are ready to administer the Oath to the Commissioners of the Great Seal, if this House are ready to come up to be present.

Ordered. On Tuesdays and Thursdays, to consider Ways and Means how Monies may be provided.

March 21. Ordered. The Author, Printer and Publisher of a Pamphlet, "A last Warning to all the Inhabitants of London," to be found out, &c.

March 23. Ordered. A Warrant for Portsmouth, (Mr. Goring disabled).

March 24. A *Tenth Letter* is received from the King. "He will disband his Forces, and return to the Parliament, if they will secure his Person, and pass an Act of Oblivion. Notwithstanding the unexpected silence, instead of Answer to his Majesty's many and gracious Messages to both Houses, His Majesty conceives he should be too much wanting in his Duty to God, and in what he owes to the safety of his People if he did not endeavour," &c. &c.

On a Conference concerning this Letter, the Lords conceive "there are divers particulars, whereof a happy use may be made, conducing to the Peace of the three Kingdoms," and they desire a Committee of both Houses.

March 27. Lord Lovelace coming from the King's Quarters desires to compound, and is Committed to the Gentleman Usher.

The Lords accept an Invitation to dine with the Lord Mayor, on Thursday, Thanksgiving Day.

March 28. William Larnar, for a Pamphlet, "The Last Warning Piece to London," is committed to the Fleet.

The *Commons* make an Ordinance for punishing Paul Best with death, by hanging, &c., for obstinate and blasphemous denial of the Holy Trinity, the Deity of our Saviour and Holy Ghost, &c.

Divisions (this Month) 45-40; 45-42; 98-76; 70-66; 71-27; 84-52. (1)

April 1. (Wednesday.) The Amended Ordinance for Martial Law passes the *Lords* by a Majority of One.

Of ten Earls, one Viscount, and eight Barons present, five Earls and four Barons protest.

A Letter to the King advises him for his Security, not to come to London, till he assents to the Parliament's Propositions.

The *Commons Order*, that this Answer to his Majesty shall be signed by the Speakers of both Houses, and as the *Lords* are risen, and more than ordinary expedition is required, *Order*, farther, that if the Speaker of the *Lords' House* shall not think fit to sign it, then Mr. Speaker shall sign it alone, and forward it, &c.

April 8. Lord Lovelace desires to take the Covenant.

The Earl of Northampton is to have a Pass, to take the Negative Oath.

Tence, for selling Counterfeit Protections, is to be attached.

April 9. The *Commons Order*, That the Speaker shall take the Chair at Eight.

They *Resolve*, That Mr. G. Wythers, Author of "Justiciarius Justificatus," be sent for as a Delinquent; and that Report be made of "Truths Manifest," and "The City's Last Warning."

(1) The Peers present had averaged 10 Earls, 1 Viscount, 8 Barons; total 18. The number of Earls had varied from 13 to 5, and of Barons from 9 to 5.

April 11. The *Commons Resolve*, That a Petition presented by the Assembly of Divines, is a breach of Privilege. 1646.
A. R.
22

April 13. Resolved. A Book called "Some Papers of the Commissioners of Scotland, presented unto the Houses of Parliament, since May, 1645," doth contain matters scandalous and false, and shall be forthwith burnt, and the author, as an incendiary between the two kingdoms, be discovered.

April 16. The Earl of Newport being willing to take the Covenant, two Earls are appointed to give it him.

April 17. Serjeant Glanvill, a Prisoner in the Tower, desires Liberty.

The *Lords* debate, Whether to agree with the Vote of the House of Commons, "That the Book 'Some Papers, &c.' doth contain matter scandalous and false, &c." The Contents and not Contents are Equal. On the following day they agree, with some Amendments.

Resolved. To print forthwith a Declaration for taking off the Misrepresentations of the Parliament and their Proceedings, to the People. It passes with great opposition, and is printed without the concurrence of the *Lords* asked.

April 20. The *Lords* continue the Earl of Manchester, as Speaker for three months.

Many Ordinances are made for the Institution of Ministers.

The *Commons Order*, That the Epistle and Tract, "The State of the Question concerning the Propositions of Peace," shall be burnt, &c.

April 22. Ordered. Every Member not present at Prayers to pay 12d.

Ordered. A Warrant, &c., for Town of Buckingham, (Sir Alexander Denton disabled and deceased.)

April 28. The *Lords Order*, That the Author of a Scandalous Paper, "Every Man's Case, or a brotherly Support to Mr. Larnier, Prisoner in the New Prison, Mayden Lane," shall be discovered by the Master and Warden of the Company of Stationers.

April 29. The *Commons Order*, That a List be made of all such members as have not taken the Covenant, and that they do take it next Fast Day.

Divisions (this Month) 106-85 ; 88-76 ; 62-54 ; 58-55 ; 76-54 ; 65-51 ; 67-41 ; 71-43 ; 37-34 ; 40-36 ; 59-38 ; 49-38. (u)

May 1. (Friday.) The Earl of Mulgrave, by Letter, revokes his proxy formerly given to Lord Say and Sele.

The *Commons Resolve*, that the Sheriff of the County Palatine of Chester shall proceed to the Election of a Knight notwithstanding there is no Chamberlain of Chester to whom to direct, or from whom to receive the Writ, and notwithstanding any Law or Statute to the contrary.

The *Lords concurrence herein to be desired.*

May 2. The Earl of Bath, coming to London, is Committed to the Black Rod.

A Pass is *Ordered* for Earl Rivers coming to London to compound.

A Report is received, that the King has left Oxford in disguise.

It is *Ordered*, that the Duke of Richmond and Earl of Lind-

(u) The Peers had averaged 17; 10 Earls, 1 Viscount, 6 Barons. The highest and lowest number of Earls present had been 14 and 2, and of Barons 9 and 4.

1646.

A. B.

22

sey, who have come into Col. Raynborough's Quarters, shall be committed to Black Rod.

May 4. An *Order* is made, declaring those Traitors who conceal the King's Person.

May 5. Lord Ranelagh, is freed from his Delinquency, for services to the Parliament.

May 6. Lord Savill, by Letter, confesses that the Letter accusing Mr. Holles of corresponding with Lord Digby, was written by the Duchess of Buckingham.

May 7. The Earl of Bath and Lord Savill are released on Bail.

The *Commons Order* a Warrant for the County of Devon in place of Edward Seymor, esq., disabled.

May 8. The *Lords Negative* a Vote of the Commons, "That the Person of the King may be disposed of to such a place as the two Houses of Parliament shall appoint."

The Peers present are 14 Earls, 1 Viscount, 10 Barons. Of these, 7 Earls, 1 Viscount, 3 Barons, protest against this Resolution.

A Letter from the Earl of Leven, states that the King has joined the Scots' Army.

May 9. The Lord Hunsdon is ordered to attend as a Peer, and his Bail is vacated.

May 11. The Question, "whether the Door shall be locked, and no Member be suffered to go out, without particular Leave," is negatived by 123 against 118.

On Question, whether, as soon as the King, upon demand of both Houses, shall be delivered, he shall be disposed of as both Houses shall appoint," the House Divides, Yeas 103, Noes 115. Upon Question, "Whether the Question be now put, that a demand be made to His Majesty, and his positive Answer, without Treaty, thereunto required, for the immediate delivering to the Parliament of all Garrisons &c." The House divides, Yeas 130, Noes 106.

The Question itself being put, it passes affirmatively.

On Question, "Whether the Question for the Lords concurrence be now put;" the House divides, Yeas 85, Noes 101.

May 13. Lord Mohun is bailed.

Ordered. A Warrant for Bridgnorth, (2 Members disabled); for Barnstaple (a Member disabled and since deceased); for Wenlock, (Thos. Littleton, Esq., disabled.)

Report is made of "Reasons to be offered in a Conference for adhering to the Vote concerning the Disposal of the King, as, otherwise, the Houses of Parliament will seem to have deserted their interest in the King; and as it is the undoubted right of the Parliament, that the Person of the King, whilst he is in this Kingdom, shall not be disposed, but by the Parliament of England; thirdly, as it is not honorable for the Parliament of England to suffer their King to be with the Scots' Army in this Kingdom, and not to demand their King; Fourthly, as not being safe for the Parliament of England, &c.; and fifthly, because the Scots' Army is in the pay of the Parliament of England."

May 16. Report is made in the Commons from a Conference. The Earl of Manchester, in the name of the House of Peers, acquaints the House, that they had received Two Votes concerning the Disposal of the King's Person, in which the Lords cannot agree—that, at the Conference, Sir John Evelyn had used words, the sense of which doth import, "That in case their Lord-

ships do not agree with the House of Commons, they will do it without them," words against the course and Proceedings of Parliament; and they expect Reparation for the same. 1646.
A. D. 22

Resolved. This House doth approve and justify Sir John Evelyn.

Resolved. The words alleged do not import the sense the Lords put upon them; and though they had imputed that sense, yet the House cannot decline their interest to do their Parts in cases of necessity that concern the general good of the Kingdom. They are likewise to observe the unseasonableness of this exception in this conjuncture of time, when, at other times, words of the like nature have been delivered, and no exceptions at all taken.

May 18. The Earl of Essex giving the Proxy of the Earl of Mulgrave, formerly granted to the Lord Viscount Say and Sele and revoked by the Earl of Mulgrave, it is allowed to be of force and to take place at all times.

May 19. Report is made on a Conference concerning Sir John Evelyn. The Commons state that the words, even if used, in sense are not contrary to the course of Proceedings of Parliament; the House hopeth the Lords did not intend by their Conference upon these words, so to bind up this House, that, in no case whatsoever, though never so extraordinary, though never so much importing, the honour and interest of the Kingdom, the Commons of England might not do their duty, for the good and safety of the Kingdom, in such a way as they may, if they cannot do it in such a way as they would, and most desire.

May 20. The Judges Report that the Printed Statutes, 21 Jac. differ from the Rolls. It is referred back to them.

May 21. *Ordered.* Mr. Needham and Capt. Awdley to be attached for Scandalous Pamphlets, touching the Proceedings of Parliament.

The Commons *Resolve*, "That this Kingdom hath no further use of the Scots' Army."

May 25. The Lords Order the Lord Campden and the Lord Chandois to proceed no farther in a quarrel.

An *Eleventh* Letter from the King, at Newcastle, (18 May) renews his Proposals for Peace.

May 26. A Remonstrance and Petition from the City prays for relief from the heavy Taxes, declares against Sectaries and Protections, and urges Propositions for Peace.

May 27. The Commons make an Ordinance for better observing the Monthly Fast.

The Divisions in the Commons have been, 118 against 71; 151-113; 115-103; 130-106; 101-85; 25-21; 99-92; 121-99; 110-99; 148-113; 151-108; 145-103. (w)

June 1. (*Monday.*) Lord Pawlett is allowed a Pass, to compound for his Delinquency.

Needham, Author of "Britannicus," is bailed.

The Earl of Bristol petitions to come to London, to compound. Many Delinquents are cleared on Fines; and many appointments of Ministers are made.

June 2. Report is made, in the Commons, on the Election for Somerset. Sir John Horner, High Sheriff, having received the Writ of Election, appointed the County Court, and published the

(w) Twenty two Peers were, on an average, present during this month; namely, 12 Earls, 1 Viscount, 9 Barons. Fourteen Earls had attended, and the lowest number present had been 9. The highest number of Barons was 12, and the lowest 7.

1646.

A. D.

22

Election to be at Ilchester, on the first of December last. On that day, above one thousand Freeholders resorted to give their voices. The Clerk of the Court having called the Court betwixt 8 and 9 A. M., when there were not above twenty Freeholders gathered together, attempted to adjourn it from Ilchester to Queen's Camel, about four miles from thence, on alleged Sickness being at Ilchester. The Freeholders present protested, and proceeded in the business till Eleven. In the mean time, a Letter sent to the Sheriff, desired him to come to Ilchester, and to make the Election there, which he refused, alleging the Sickness there, and sent his two Sons to the Clerk of the County to adjourn, who commanded the Cryer to make Proclamation, which some of the Freeholders commanded him not to do, at his Peril. Thereupon, the Clerk of the County, not having read the Writ of Election, adjourned the Court to Queen's Camel, against the consent of the Freeholders, and rode to the Sheriff at Queen's Camel, and called a Court. But, the time of Election being passed, he adjourned to next morning at Eight, and sent notice to the Committee and the Gentlemen at Ilchester. Next morning the Writ was read, and Mr. Horner and Mr. Harrington were elected.

Resolved. To Agree with the Committee, that the Clerk of the County adjourned the Court against the consent of the Freeholders, that the Election is void, and that a new Writ shall issue.

Ordered. Warrants, &c., for the Counties of Berks, Salop, and Cardigan, and for the Town of Cardigan, in place of Members disabled.

June 3. A Letter from Cheshire complains of the heavy Taxes. Many Protests are entered in the Lords' Journals.

June 5. The Earl of Cambridge takes the Covenant. The House declares his taking the Negative Oath shall not be any prejudice to him, to bring him under the notion of Delinquency.

June 10. The Lords Butler and Howard are allowed Privilege in a Suit.

June 11. In the *Commons*, Sir John Evelyn, of Wilts, makes Report of a Declaration "*for asserting the Rights of the Parliament of England*," which is twice read and Committed.

June 12. An "*Expedient for settling the Militia*," declares, "That it shall be in the two Houses of Parliament for 20 years: then, in the King and the two Houses; and that in all cases where the safety of the Kingdom is concerned, if the King shall not agree with the advice and desire of the two Houses, then they shall act in the Militia as they think fit."

The Earl of Lyncolne Protests.

June 15. The Lords receive a *Twelfth* Letter from the King, "His Majesty doth earnestly desire that the Propositions for Peace, so often promised, and so much expected, may be speedily sent to him, that he may apply himself to give such satisfaction as may be the foundation of a firm Peace: and, for the better and more speedy attaining thereunto, His Majesty farther propounds that he may come to London, with safety, freedom and honour, where he resolves to comply with his Houses of Parliament in every thing which may be most for the good of his Subjects, &c."

The *Commons* Order a Warrant for Old Sarum. (Sir Wm. Savill disabled and deceased.)

June 17. The *Commons* Order. That on Friday sennight, the House do consider the Election of Knights and Burgesses for

Cornwall, and the whole matter of Elections for the Supply of 1646. Knights and Burgesses, where they want, and have none

A. R.
22

June 23. In the *Lords*, Colonel Lyburn, Author of a Scandalous Pamphlet, "The Freeman's Freedom Vindicated," refusing to kneel at the Bar, is committed close Prisoner to Newgate, and a Charge is Ordered against him.

June 26. The Earl of Cleveland is released on Bail.

The *Commons Resolve*, (by 124 against 73) That the Order of this House of 22 Jan, 1643, for disabling Sir John Fenwick to sit, be vacated.

June 30. The *Commons Resolve*, That two Petitions and a Paper sent from the Lords, being for Monies, are a Breach of the Privileges of this House, and that the Lords be acquainted with it, at a Conference.

Divisions in the *Commons' House* have been, 115 against 103; 112-108; 101-94; 120-116; 75-63; 75-62; 68-64; 54-46. (x)

July 1. (Wednesday.) The *Lords Order* the apprehension of the Author of a Pamphlet, "The Just Man in Bonds."

July 2. The Earl of Northumberland is allowed Privilege on a Distraint for a Port Fine due to the King.

July 6. A Committee is appointed "to Reform the University of Oxford."

July 7. The Lords refuse to pass a Vote of the Commons, "That the Kingdom hath no further use of the Scots Army, and that the Commons are not able any longer to bear that burthen," till an Answer shall have been received from the Commissioners going to the King.

July 10. The Duke of Richmond and Earl of Lindsey are allowed to reside at their own Houses, there to be ready for any commands of the Lords' House.

Lieut.-Col. John Lilbourne, for high crimes and misdemeanors, is sentenced to a Fine of £2000 to the King, to 7 years' imprisonment, and is made incapable of any Office.

Many Institutions are made of Ministers.

July 11. The *Commons Order* a Committee to discover the Author of a Scandalous Pamphlet, "A Remonstrance of many thousand Citizens and other Free-born People of England," and of two other Scandalous Pamphlets imputed to Lieut.-Col. Lilbourne.

July 15. A Letter is received from the King.

July 17. Lord Howard of Charlton, come in, is committed to Black Rod.

The French Ambassador delivers his Credentials to the Commons.

July 22. The *Lords Order*, That the Earl of Bath and Lord Howard shall be released, on taking the Covenant.

The Earl of Manchester is continued as Speaker to Nov. 1.

It is Ordered, that all Peers coming from the King's Quarters, shall be attached.

An Order is made for defacing the King's Seals sent from Oxford.

July 23. The *Commons Order* a Warrant for the County of Cornwall, (Sir Bevil Greenville, and Sir Alexander Carew, disabled and deceased), also for Ludlow, (two Members disabled).

July 24. Ordered, A Warrant, &c., for Shoreham, (Mr. Marlott deceased.)

(x) The average number of Peers present was 19; 10 Earls, 1 Viscount, 8 Barons. Of Earls and Barons the highest number present was 12 and 11, and the lowest 6 and 4.

1646.

A. D.

22.

July 30. Lord Howard of Charlton is bailed.

Francis, Lord Seymour, petitions to be freed from Restraint.

July 31. Lord Dunsmore is released. Lord Abergavenny tenders himself to the Parliament.

July 31. *Ordered.* A Warrant, &c., for the County of Stafford, (Sir Harvey Bagott and Sir Edward Littleton disabled.)

Divisions in the Commons have been 50 against 35; 62-47; 57-49; 96-73; 62-53; 98-78; 91-90, (y)

August 4. (Tuesday.) The Earl of Portland tenders himself. Complaint is made of a Scandalous Paper, "An Alarum to the Lords."

Aug. 7. The Commons *Resolve*, That Mr. George Wither, Author of "*Justiciarius Justificatus*," shall pay Sir Richard Onslow £500 Damages, and his Book be burnt, &c.

The Commons adjourn to Tuesday, Aug. 11.

Aug. 11. Overton, brought before the Lords for printing scandalous things against the House, and refusing to answer; saying "He was not bound to answer any Interrogatories to accuse himself, he being a Free-born Subject;" is committed to Newgate for his high Contempt.

The Lords take into consideration the great Fines set upon Peers, being far greater than their Estates are able to bear.

Lord Mohun is released on taking the Solemn League and Covenant.

Aug. 12. Lord Lovelace is released.

An Answer is received from the King on the Propositions lately sent to him; "which the Houses have taken twice as many months to prepare as they have assigned days for His Majesty's Answer, and which do import so great alterations in the Church and Kingdom, that it is very difficult to return a particular and positive Answer, before the true sense and reasons thereof be rightly weighed and understood. A safe and well grounded peace can never be, unless the just Power of the Crown, as well as the Freedom and Property of the Subject, with the just Liberties and Privileges of Parliament, be likewise settled, to which end His Majesty desires and proposes to come to London. And His Majesty assures them that as he can never condescend to what is absolutely destructive to that just Power, which by the Laws of God and the Land, he is born unto, so he will cheerfully give and grant his Assent unto all such Bills as shall be really for the good and Peace of his People, not having a regard to his own particular, much less of any body else, in respect of the happiness of these Kingdoms."

The Commons disable Ambrose Manaton, Esq., and *Order* a Warrant for Launceston.

A Warrant is also *Ordered* for Saltash, (George Buller, Esq., deceased, and Edward Hide, Esq., disabled.)

Aug. 13. It is *Ordered*, That the Press of Robert Eccles, for printing Scandalous Books, be destroyed.

Aug. 14. The Commons adjourn to Tuesday, 18.

Aug. 18. Sir John Stowell, brought to the Bar of the Commons, being commanded to kneel, refuses, desiring first to be informed what was his Offence.

He is *Ordered* to withdraw, and, by Resolution, forthwith committed to Newgate for High Treason, in levying War against the Parliament.

(y) Fifteen Peers were present, on an average, during this month. Earls 6, Barons 8, and the highest and lowest numbers were of Earls 9 and 5, and of Barons 11 and 6.

Aug. 20. The *Commons Resolve*, That the several Allowances of £4 per week, granted to the Members of this House, and all Pensions to Members, *shall be discharged*, and that the Lords concur herein be desired. 1646. A. D. 22

Aug. 21. The *Commons Resolve* on a Conference, and that Reasons be offered to the Lords for the necessity of speedily passing the Ordinance for the Sale of Delinquents' Estates.

Aug. 24. The *Lords Order*, That a Standing Order be made to regulate all Orders for giving Institution and Induction, the Parties being first presented unto any Spiritual Living by the respective Patrons, or otherwise.

Aug. 28. The Earl of Southampton tenders himself to the Parliament.

The Commons disable Sir G. Wentworth, and Order a new Writ for Pontefract.

Divisions in the Commons have been, 130 against 102; 108-101; 76-62; 58-57. (z)

September 2. (Wednesday.) The Earl of Cleveland is released on his Parole.

Mr. Serjeant Glanville having lain in Prison two years, without any charge being brought by the Commons, the *Lords Resolve* to bail him unless the Commons present farther against him.

Sept. 3. The Earl of Bath takes the Covenant, and is freed.

The *Commons* make an Ordinance for disabling Delinquents from any Practice in the Law, Common or Civil, and from holding or exercising any Office in the Church or Commonwealth, without consent of both Houses.

Sept. 4. The *Commons Order* (121 to 97) a Warrant for Kellington, (Sir Arthur Ingram, deceased, and George Vane, Esq., disabled.)

Sept. 10. Lord Savile has liberty to come to London.

Sept. 11. Lord Chandois petitions that the Sequestration may be removed from his Estate.

Warrants are *Ordered* for the County of Flint, (John Mostyn Esq., disabled); for the Town of Flint, (John Salusbury, Jun., Esq., disabled); for the County of Monmouth, (W. Herbert, Esq., deceased); for the County of Hereford, (Humfry Coningsby, Esq., disabled); for the City of Hereford, (James Scudamore and Richard Scabourne, Esqrs., disabled); for the Borough of Lempster, (Sampson Eure, Esq., disabled); for the Borough of Webley, (Arthur Jones and Thomas Tomkins, Esqrs., disabled.)

Sept. 15. Warrants are *Ordered* for Wendover, (Mr. Fountaine, deceased), and for Wallingford, (Mr. Thomas Howard, disabled.)

Sept. 16. The Earl of Mulgrave having given his Proxy to the Earl of Warwick, the *Lords Order*, that it be entered upon the Records, and filed according to course.

It is *Ordered*, that the Heralds be inquired of, what Title Sir Walter Devereux is to be styled with, and whether the Title of Lord Viscount Hereford belong to him or no, upon the death of the Earl of Essex.

Ordered. A Pamphlet, "A Defiance against the Lords, House, &c," to be publicly burned.

Sept. 22. The Heralds certify that Sir W. Devereux is to be styled Viscount Hereford only.

(z) The average attendance of Peers was 16; viz., Earls 8, Viscount 1, Barons 7 (12-6; 10 and 3.)

1646.

A. D.

22

P. M. The Lords agree to a vote of the Commons, "That the Person of the King shall be disposed of as both the Houses shall think fit." The Earls of Lyncolne and Suffolk, and four Barons protest.

Sept. 23. An Order is made as to Lords absent from Prayers, that Earls and Viscounts shall pay 2s. and Barons 1s.; and that such as are absent without Leave, shall pay double every day's absence.

Sept. 25. The Commons Order, That the Estates of the Lords Cottington, Capell, of the Earl of Worcester and the Marquis of Winchester, of William Sheldon of Beilly, Sir Charles Smyth of Warwick, Sir H. Beddingfield and his Sons, be Sold.

Sept. 29. The Commons Order a Guard to stand at the foot of the Stairs, to keep and hinder all but Members, Officers, Attendants and their Servants, from coming in to the Outer Room, &c.

An Ordinance is made for "*Abolishing the Government of the Church by Archbishops, Bishops, &c., and for settling their Possessions upon Trustees, for the use and benefit of the Commonwealth.*" (a)

October 3. (Saturday.) A Committee is appointed to discover the Authors of two Scandalous Pamphlets, "Yet Another Word to the Wise" and "Mercurius Rusticus," and to suppress the same.

Oct. 5. A Warrant is Ordered for Tiverton, (two Members disabled.)

Oct. 7. A Warrant is Ordered for Shaftesbury, (a Member deceased.)

Oct. 8. The Lords allow Privilege to Lord Pawlett, against Two Writs served upon him.

On the Question in the Lords for passing the Ordinance for "Abolishing Archbishops, Bishops, &c.," the votes are Even, "*so nothing could be Resolved at this time.*"

Nine Earls and Five Barons are present.

Oct. 9. The Lords pass the Ordinance for abolishing Archbishops and others. Seven Earls and Five Barons are present.

Oct. 13. The Lords Order a course to be taken to punish the Printers of a base and scandalous Pamphlet, "An Arrow against all Tyrants and Tyranny, by Richard Overton."

Oct. 14. Ordered. A Warrant to secure the Printers and certain Printed Papers relating to Proceedings in Parliament, to seize the Presses and disorder the Letters.

Resolved. John Field, Printer, to be Committed to Newgate.

Oct. 16. The Commons Resolve on the above Printed Papers, First, That to have Arguments held forth to the Kingdom against the Judgment of Parliament, is not for the Good of the Kingdom.

Secondly, That to have Arguments printed all of One Side, is not to deal fairly with the Kingdom.

Thirdly, That a Committee of Lords shall be desired to join one of this House, to consider some way of righting the House, and of preventing the like inconvenience for the future.

Oct. 20. Edmund, Earl of Mulgrave, sits as a Peer, succeeding his Grandfather, Edmund, Earl of Mulgrave deceased.

The Lords are Ordered to attend the Funeral of the Earl of Essex, in their Robes, on Thursday Morning, at Ten.

(a) Fifteen Peers had attended the sittings of the House; 9 Earls, 1 Viscount occasionally, and 6 Barons (12 and 5, 8 and 3).
Divisions in the Commons have been 112 against 102; 105-100; 82-64; 21-83; 94-73; 52-51; 87-72; 56-51.

Nov. 17. The Commons Resolve that the Demesne Lands of Archbishops, Bishops, &c., shall not be sold under 10 years' purchase of their full value in 1641.

The *Commons* also *Order* their Members to attend at Essex House, at Eight. They adjourn till Friday, at Eight. 1646.

The Question is carried by 67 against 56, "That the Order for disabling Members of either House to be Commissioners of the Great Seal, shall be Vacated." A. H. 22

Oct. 23. Viscount Hereford takes his seat as a Peer, according to Summons, (Sept. 23).

An Ordinance concerning Peers' Honours, &c., is passed with the following Protest: "*That in respect this Ordinance seems to be perpetual, and not appearing to be sent to the King for his Consent, whereby things that are to be perpetual might be settled in the old way by the Three Estates, we dissent from the same.*" Rutland Suffolk, Middlesex, North, Lyncolne, Mulgrave, Hunsdon, Willoughby, Robertes.

Twenty-two Peers are present.

The Earl of Manchester is continued Speaker to Feb. 1.

It is *Ordered*, by the Lords and Commons, That the Speakers of both Houses shall have Powers, &c., as fully as any Lord Keepers or Commissioners of the Great Seal.

Oct. 27. Lord Lovelace is allowed Privilege in a Suit.

Oct. 29. *Ordered*. The Earl of Berks, come out of the King's Quarters, to be examined.

The *Commons* send up an Ordinance, "to Suspend the Privilege of Members of both Houses, that their Lands may be liable to Debts."

Oct. 30. In the *Lords*, the Votes are Even (12 and 12), on an Ordinance to prevent Peers sitting in Parliament, who have been created since May, 1642.

It is *Ordered*, in the *Commons*, by consent of Lord Mounson, That he do waive his Privilege as a Member of this House, as to any Action at Common Law, by the Countess of Peterborough, for Trial of her Title to certain Lands. (b)

November 3. (Tuesday.) The *Commons Order Warrants*, &c., for the City of Chester (two Members disabled); for Gloucester (a Member disabled); and for Cirencester (two Members disabled).

Nov. 9. Edward, Lord Pawlett, having had his Subsistence wholly for many years from his Brother, the Lord Marquis of Winton, and being now in great want, prays Relief out of his Brother's Estate.

Nov. 11. Warrants are *Ordered* for Plympton (Sir Thomas Hill); for City of Exeter (a Member disabled); for Maidstone (a Member deceased); for the County of Montgomery (Richard Herbert, Esq., disabled); for Bewdly (Sir H. Herbert disabled); for St. Jermyns (a Member deceased); for Worcester (two Members disabled).

Nov. 18. The Earl of Moulgrave and Lord Viscount Hereford take the Covenant.

The *Commons Order Warrants* for the University of Oxon (a Member deceased); for the City of Oxon (two Members disabled); and for the Borough of Monmouth.

On the Report of an Ordinance, "for taking the Solemn League and Covenant by all Persons in England and Wales," the Question whether it shall be read a Second time, is negatived by 133 against 115.

(b) In October the average attendance of Peers was 16. The highest number of Earls 13, and the lowest 5; and of Barons, the highest 10, and lowest 5. On the 29th and 30th, two Viscounts were, for the first time, present.

1646.

A. D.

22

Nov. 21. Lord Stourton tenders himself.

Nov. 23. Mr. Hackwell is summoned as an Assistant to Parliament.

Nov. 24. Lord Cromwell has Privilege, on an Arrest.

The Question to retain a Cause in the *Lords' House*, being affirmed, the Earl of Lyncolne Protests. (c)

Nov. 26. The *Commons Order* a Warrant for Lichfield (Sir Richard Cave disabled and deceased.)

Nov. 30. The *Commons Order* the "Committee of Complaints" to find out the Authors and Printers of a Scandalous Pamphlet, "An Unhappy Game at Scotch and English, &c. &c." The Book to be burnt. (d)

December 1. (Tuesday.) The *Commons* not admitting the Messengers sent by the *Lords*, they *Resolve*, That the Privileges of this House have been broken, and that a Committee and Conference be had thereon.

Dec. 2. The *Commons Order* the distributors of Papers, "A Protestation why the Protestators could not join in the Worship in the Public Assemblies of the Church of England," to be sent for as Delinquents.

Dec. 3. Sir Thomas Cheeke lays claim to the Barony of Fitzwalter. (e)

Dec. 4. The *Lords Order* an Ordinance, "That Patrons shall present their Clerks to the *Houses*, whereas formerly they were presented to the *Bishops*."

Ordered. An Inventory to be made of Books, Mathematical Instruments and Globes, belonging to any Masters, Readers, or Scholars in the University of Oxford, which are liable to Sequestration.

Dec. 7. The *Lords' Votes* are Even upon a Question as to the Admission of Sir J. Brompton, Knight, to be Assistant.

Dec. 8. The *Commons Order* Warrants for the County and Borough of Carnarvon, County of Anglesey, B. of Beaumarria, and B. of Lestwithiell, in room of six Members disabled, &c.

They *Resolve*, That no Member of either House shall have any Sequestration whatsoever, by Grant or Lease.

Dec. 9. The *Commons* appoint a Committee to consider and bring in an Enumeration of those more crying National Sins for which the Nation hath not as yet been humbled before God."

Dec. 10. It is *Resolved* in the *Commons*, "That a Grand Committee shall consider of taking away the exercise of all Arbitrary Power in all Places, and preventing the exercise of the same for the future: also, for preventing the inconveniencies in Private Suits or Debts by reason of Privilege and Protection of Members.

Dec. 12. On a Question in the *Commons*, "Whether the Candles shall be brought in?" the Yeas are 107, the Noes 73. "Mem. Though brought in for the use of the Tellers, none were set on the Table, until by Report of the Division of the

(c) The Earl of Lyncolne seems to have appeared in the House for the first time, Oct. 13, 1645.

(d) In November, 17 was the average number of Peers present. The highest number of Earls was 11 and the lowest 4, and of Barons 10 and 1. Two Viscounts had been present on 4 days.

Divisions in the *Commons' House* (Oct. and Nov.)—79 against 66; 48-31; 44-39; 48-37; 64-62; 70-73; 48-36; 44-39; 63-48; 55-43; 96-82; 59-53.

(e) Dec. 3. The *Lords' Journal* ends, "Hucusque exam natur per nos, T. Lyncolne, Mulgrave."

House, the Question was determined that Candles should be brought in." 1646.

Dec. 14. An Ordinance is twice read in the *Lords'*, for "*Justifying the Proceedings of Parliament.*" A. B. 22

Ordered. To Annul all Grants made under the Great Seal at Oxford. The Earl of Lyncolne Protests.

Dec. 15. The Earl of Southampton and other Lords have leave to stay in Town, if they take the Covenant.

Dec. 17. Abigail Rogers, who had sold a scandalous Pamphlet, "*A Resolve of the Person of the King, &c.*" refusing to Answer, is committed to Bridewell.

Dec. 18. The Earl of Worcester being dead, and there being no means to inter his body, the Lords recommend to the Commons, that some means may be found by which his *Funeral, the Charges of his Imprisonment, and the Fees due to Black Rod, may be paid out of his Estate.*

Dec. 21. An Order is made for the attachment of Mr. Wotton, Fellow of Trinity College, Cambridge, who had said, "*The Rebellion of the Parliament was worse than the Rebellion of Ireland.*" He is afterwards Ordered, (*Feb 26*) to be expelled his College, disabled as a Fellow, and from ever holding any Preference or residing in the University, but in regard of long Imprisonment, is released on paying his Fees.

The *Commons* Order Warrants for Old Sarum, the Boroughs of Camelford, Helston, Porpigham or Westlowe, Eastlowe, Fowey, in room of four Members disabled and four deceased.

Dec. 14. A *Fourteenth* Letter is received from the King.

"His Majesty finding very much against his expectations, that his offer of a Personal Free Debate with his two Houses of Parliament is laid aside, has bent all his thoughts to a particular Answer to the Propositions delivered (14 July). But the more he has endeavoured it, the more plainly he sees that any answer he can make will be subject to misinterpretation and misconstruction; which, upon his own Paraphrase and Explanations, he is most confident would give so good satisfaction as would doubtless secure a happy and lasting Peace. Lest, therefore, good Intentions may produce ill effects, his Majesty again proposes and desires to come to London upon the Public Faith and Security of his two Houses of Parliament and the Scots' Commissioners, where, by his Personal Presence, he may not only raise a mutual Confidence betwixt Him and his People, but also have all doubts cleared and difficulties explained, so that it shall not be in the Power of wicked and malicious men to hinder the establishing of that firm Peace which all honest men desire: assuring, that as He will make no demands but such as he believes confidently to be just and much conducing to the tranquillity of his People, so He will be most willing to condescend unto them whatsoever shall be really for their good and happiness, not doubting but you will have a due regard to maintain the just Power of the Crown, according to your many Protestations and Professions. It is your King who desires to be heard; the which—if refused to a Subject by a King—he would be thought a Tyrant for it. Wherefore his Majesty conjures you, as, what you profess to be, good Christians and good Subjects, &c."

Dec. 26. The *Lords* vote, in Answer to the King's Letter, "*That this House will have no Treaty on the Propositions.*" The Earl of Lyncolne protests.

Dec. 29. The Lord Rich is allowed Privilege on an Arrest.

1647.
A. R.
22

The *Commons Resolve* to proceed against all who preach or expound the Scriptures in any Church or Chapel, except they be ordained either here, or in some Reformed Church. (f)

Jan. 1. (Friday.) The *Commons Order* that Mr. Thomas Perry, a Member, shall have £1000 of the Estate of the late Earl of Worcester, and Mr Thomas Hodges, £1000.

Jan. 5. The Author of "Regal Tyranny discovered" is Ordered to be attached.

Jan. 7. The Earl of Northumberland petitions for relief on account of his great losses this war.

Jan. 9. The *Commons Order* that the Estates of such Delinquents as refuse to make Compositions shall be sold.

Jan. 13. The Earl of Manchester is continued Speaker, for Six Months from Feb. 1.

The Duke of Bucks takes the Covenant.

Jan. 14. Lord Mohun being disturbed in his Possession of certain Manors, Freehold in Possession, is allowed Privilege.

Jan. 15. An Ordinance is made for the Earl of Manchester to be Lord Keeper.

Jan. 20. A Letter is received from the King, on his removal by the Parliament's Committee to Holdenby.

Jan. 25. The *Lords Resolve*, That there shall be no harm, prejudice, injury, or violence done to his Majesty's Royal Person. That there shall be no Change of Government, other than has been these three years past. That his Majesty's Posterity shall be in no ways prejudiced in their Succession to the Crown and Government of these Kingdoms. (g)

February 1. (Monday.) The *Lords* make an Ordinance to prevent the discharge of Sequestrations without their consent.

Feb. 2. The *Commons* appoint a Committee to consider what Ordinances the *Lords* have passed for Pardons to Delinquents.

Feb. 4. The Earl of Arundell submits to Parliament.

"Lord Ella Warre," now of full age, is Summoned as a Peer.

Ordered. Lord Morley to have £10 per week for Maintenance, out of his own Estate.

The Earl of Carbery is cleared of his Delinquency.

Feb. 6. The *Commons Order* Warrants for the Boroughs of Leskard, Michell, St. Mawes, St. Ives, Bossiny, Newport, in place of eight Members disabled, and one doubly returned.

An Instruction is prepared to prevent Intelligence, Letters, and Papers, being delivered to the King.

Feb. 10. An Ordinance to re-admit the Earls of Bedford, Holland, and Clare, is Negatived.

Feb. 12. Twenty-five Delinquents are cleared on Fines.

Feb. 13. Ordered, a Warrant for the Borough, Town and County of Newcastle.

Feb. 15. Whereas, Mr. Edward Rigby is affirmed by Mr. Alexander Rigby, a Member, to be his Servant, and that he is

(f) In December, 17 Peers had, on an average, attended daily. Of Earls, the highest number present was 12, and the lowest 2; and of Barons 11 and 1. Two Viscounts had been present on 5 days.

(g) In January, the number of Peers present averaged 15. The highest number of Earls was 11 and the lowest 3; and of Barons 10 and 4. Two Viscounts had attended on 6 days.

Divisions in the Commons in the two last months, were 91 against 61; 60-36; 107-73; 19-72; 26-25; 118-93; 156-29; 129-105; 133-91; 133-90; 133-71; 130-69; 79-69; 64-61; 89-27; 75-55.

arrested. His discharge is *Ordered*, and the Matter of Fact to be considered.

1617.

A. D.

22

Feb. 16. The *Lords* receive a Petition from Suffolk, praying for Church Government, the Safety of the King, &c.

Feb. 19. A Letter from the King, at Holdenby, desires some of his Chaplains may be sent to him.

Feb. 22. The *Commons* revive an Order for every Knight to pay 20*s.*, and every Burgess 10*s.*, towards the recompense of Officers, &c.

Feb. 26. Walker is *Ordered* to be attached for a Book "Perfect Occurrences."

Feb. 27. A Declaration is received from the Parliament of Ireland, "That they will maintain the Protestant Religion;" and desiring assistance for bringing just vengeance, on the Perfidious Rebels.

The *Commons*, with much state, admit the French Ambassador to an Audience. (h)

March 1. (Monday.) The *Commons Resolve*, that Philip, Earl of Chesterfield, shall have £5 a week, *out of his own Estate*.

Ordinances have passed the *Lords* to clear 41 Delinquents, on Fines paid.

March 5. The *Commons Resolve*, by 159 against 147, "That the Forces shall be commanded by Sir Thomas Fairfax."

March 8. Ordered. The Earl of Peterborough to take the Covenant.

A Letter from the King states, "It being now 27 days since I wrote, and not yet receiving any Answer, I cannot but renew the same to you, and indeed concerning any thing but the necessary duty of a Christian, I would not thus at this time trouble you with any of my desires. But my being attended by some of my Chaplains is so necessary for me, that I will alight divers kinds of censures, rather than not obtain what I demand. Besides the divers Reasons which no Christian can be ignorant of in point of conscience, I must assure you, that I cannot, as I ought, take in consideration those Alterations in Religion which have been and will be offered to me, without such help; because I can never judge rightly of, or be altered in any thing of my Opinion, so long as any ordinary way of finding out the Truth is denied me. When this is granted me, I promise you faithfully not to strive for Victory in Argument, but to seek and submit to Truth, according to that Judgment which God hath given me, always holding it my best and greatest Conquest, to give contentment to my two Houses of Parliament in all things which I conceive not to be against my Conscience and Honour."

The *Commons Resolve*, by 136 against 103, That all the Officers under Sir Thomas Fairfax shall conform to the Church established by Parliament.

March 9. Ordered. The Authors of "The Outcries of the Oppressed Commons," and, "The Scotts' Apostacy," to be found out.

March 13. The *Lords* make an Ordinance for "Recruiting the House." All *Lords* are to attend on Wednesday.

March 15. In Answer to his Majesty's two last Letters, the *Commons* state, "If he think fit to admit such of his Chaplains as have taken the Covenant, the Houses give Leave."

(A) In February, the Peers averaged daily 15. Ten Earls had been the highest, and 3 the lowest number present, and of Barons, 11 and 2. Two Viscounts attended on three days.

1647.

A. R.

22

Serjeant Glanvill is bailed for £2,000, and is to take the Covenant.

The *Commons* order Warrants for the City of Lincoln, and for Rippon, (two Members deceased).

March 16. The *Commons Resolve* that a Monthly Sum of £60,000 be levied in the several Counties of England and Wales.

March 19. Warrants are *Ordered* for the County and Borough of Radnor, (two Members disabled, one deceased).

March 20. The *Commons Resolve* to adjourn from every Friday Noon, till every Tuesday Morning at Eight.

March 23. It is *Ordered*, That no Peer shall be bailed till he takes the Covenant.

A Warrant is *Ordered* for Scarborough (Member deceased).

March 25. Lord Hereford petitions for Reparation for his Losses,

The *Commons Order* a Warrant to the Serjeant at Arms, to apprehend all the Publishers of a libellous Pamphlet, "A Warning to all the Counties of England to awake speedily out of their Dreams, and to apply themselves to all just Means for the Recovery and Preservation of their Liberties, because of a present Design to expel the most Faithful out of the House of Commons, and frustrate all the Country's Good Elections; That so, the Malignant Party may bring the Free Commons of England, now, after all their bloody Sufferings, to cruel Thralldom, and make themselves Lords over them." A Committee is to discover the Author, and the Company of Stationers to seize it forthwith.

Report is made from a Conference. The *Lords* complain that their Messengers are made to attend the Commons, sometimes days before they are admitted, which seems a Reflection on the House of Peers, and is a great Prejudice to public Affairs.

A Petition from the Lord Mayor, &c., complains of the numbers of the Army quartered upon them.

A. R.

23

March 30. The *Lords Order*, That in Cases of Challenge, the Command of the Speaker shall have the force of an Order of the House. (i)

April 1. (Thursday.) Mr. Speaker acquaints the House of a Petition received from the Army. The House expresses great Dislike to it, "The Officers should employ their endeavours for effectually stopping and suppressing it."

April 6 and 7. Ten Delinquents are cleared on Fines. Lord Conway and the Duke of Bucks are also cleared.

Lord Maynard claims Privilege against Lady Rich, "for taking a Child, Mrs. Elizabeth Rogers, out of his house, without his consent or privity." It is Voted, not to be a Breach of Privilege.

April 14. A Writ is *Ordered* for Camelford, (Piers Edgecomb disabled).

April 15. The *Commons Resolve*, That the Monuments erected in Christ Church, Oxon, for Sir W. Penyman and Sir H. Gage, shall be defaced and demolished, and likewise all others there, scandalous or reproachful to the Parliament, or the Proceedings thereof.

(i) In March, the number of Peers present averaged 13. Ten Earls was the highest ever present, and the lowest number one, and of Barons 11 and 1. Two Viscounts attended on 2 days.

Divisions in the Commons in February and March were—83 against 74; 84-74; 93-85; 101-86; 147-145; 158-148; 120-92; 115-92; 88-59; 123-87; 79-59; 91-79; 139-147; 136-108; 84-41; 96-76; 65-64; 79-77; 49-48; 65-42; 89-77.

April 16. Henry Walker petitions the *Lords*, that some Persons may be deputed to peruse his "Occurrence of News," before he prints them. (k) 1617.
A. R.
23

April 22. The *Commons Order* the Commissioners at Holdenby to prevent the number of People resorting to the King to be touched for the Evil.

April 23. The *Commons Order* inquiry as to the Author (supposed to be Captain Styles in Colonel Lambert's Regiment) of a Scandalous Pamphlet, "A new found Stratagem framed in the old Forge of Machiavelism;" also of "an Apology of the Soldiery to their Commissioner Officers;" also of a "Recantation of Judge Jenkins."

Ordered. The Committee "appointed to judge of Scandal" to meet in the Painted Chamber.

April 27. The *Lords*, receiving a Report from the Lords sent down to the Army, think it necessary that speedy care be taken for providing Money.

The *Commons Resolve* to consider, "Whether the Lords may send such a Message to this House, in respect of the Privilege of this House in matter of Money."

April 29. A Warrant is Ordered for Norfolk, (Sir John Hobart, deceased.)

April 30. Inquiry is Ordered as to a Pamphlet, "The unlawfulness of Subjects taking up Arms against their Sovereign."

The humble Petition of the Officers of the Army under command of his Excellency, Sir T. Fairfax, is read. They complain that "there was an intention to disband and new model the Army; a Plot contrived by some men who had lately tasted of Sovereignty, and being lifted up above the ordinary Sphere of Servants, endeavoured to become Masters, and were degenerated into Tyrants. The Army would neither be employed for the Service of Ireland, nor suffer themselves to be disbanded, till their desires were granted, and the Rights and Liberties of the Subjects should be vindicated and maintained."

After great Debates, the House declares, "That it does not belong to the Soldiery to meddle with Civil affairs, nor to propose, or present, any Petition to the Parliament, without the advice and consent of their General." (l)

May 1. (Saturday.) On a Conference, the *Lords declare*, That the Lords of this Committee shall vote apart by themselves, and distinct from the Members of the House of Commons, that are of this Committee, according to the former Order of this House.

The *Commons Order*, That the Lands and Estates of Papists, with some exceptions, shall be given as Security for a Loan of £200,000 to the City.

(k) On the 9th of February, the London Apprentices petitioned the Lords, "Whereas there were formerly, by the ancient Constitutions of this Kingdom, certain Annual Festivals, the only days then used for the Recreation of Youth, which, for their superstitious and riotous abuse are now generally slighted, and the Petitioners are thus deprived, not only of the benefit of visiting their friends and kindred, but also of all set times of Pleasure and Lawful Recreation, They humbly expect from your Lordships, that they may not be deprived of this part of their Liberties, Lawful Recreations for the needful Refreshment of their Spirits, without which Life itself is unpleasant and an intolerable burden."

On the 20th April, the *Commons Resolve*, "That the second Tuesday in every month shall be appointed a Day of Recreation for all young Scholars, Apprentices, and Servants throughout the Kingdom, and that the Observation of all Festivals and Holy-days shall be suppressed." The Lords agree to this Order, June 8.

(l) Thirteen was the average number of Peers present in the month of April. The Earls never exceeded 10, but were also as low as two. Ten was the highest and 5 the lowest number of Bishops present. On 6 days, 2 Viscounts were present.

1647.

A. D.

23

May 4. "A Petition of divers well affected Citizens to the Right Honourable the Supreme Authority of the Nation, the Commons in Parliament assembled," prays leave to present a Petition.

The *Commons Resolve*, "That this House doth dislike this Petition, and in that respect cannot approve the delivery of the Petition to the House."

May 11. The *Lords Order* certain Persons to be attached for counterfeiting an Act of Parliament, and afterwards make an Ordinance against such forgery.

The Earl of Northampton sues for a Composition, with Reasons for moderating his Fine.

The *Commons* make an Order for settling Lands of Inheritance to the yearly value of £5000, out of Delinquents' Estates, on Sir T. Fairfax, Knight, &c., &c., and his Heirs forever.

A Writ is *Ordered* for Penryn, in room of Sir Nicholas Slayning.

Proceedings are *Ordered* against Dudley Diggs, Gent., late Fellow of All Souls, the Author, and against the Printers and Publishers of the "Unlawfulness of Subjects taking up Arms, &c."

May 13. The Lords, for divers considerations having *Ordered*, that James, Earl of Northampton, shall be admitted to his Composition, at two years' Purchase, &c., the *Commons* refuse their concurrence, and refer the Earl to the Committee at Goldsmith's Hall, to compound for his Delinquency.

May 14. A Petition of the "Colonels, Lieut-Colonels, Majors, Captains and other Commissionary Officers, who have served under the Authority of Parliament," is read.

A Question whether Protection shall be allowed to Thomas May, Esq., Author of a Book, "The History of the Parliaments of England," is *negatived* by 34 (including Mr. Speaker) against 33.

May 18. A Letter is received from the King: "Considering his condition, that his Servants are denied access to him, all but very few and those by appointment; and that it is a declared crime for any but the Commissioners, or such as are permitted by them, to converse with his Majesty; or that any Letters be given to, or received by, him; He is not in case fit to make concessions or give answers, since he is not master of those ordinary actions, which are the undoubted Rights of every free born man, however mean his birth. Upon his Majesty coming to London, he will heartily join in all that may concern the Honour of his two Kingdoms."

A Letter from the General Officers of the Army is received by the *Commons*.

May 20. Francis Newport of Eyton, Salop, is cleared on a Fine of £9,436 17s. 6d. Many other Compositions are fixed.

A Petition of "divers well affected People in and about the City of London;" and the "humble Petition of many Thousands, earnestly desiring the Glory of God, the Freedom of the Commonwealth, and the Peace of Men," are read.

It is *Resolved*, that the *first*, is a high breach of Privilege, insolent and seditious, shall be burnt, &c.

It is *Resolved*, by 94 against 86, that the *second* shall also be burnt.

William Browne, who, with 5 others, brought in the *first*, being asked his name, answers, "The time may come, when

I may ask *your* name in another Place." He is committed to Newgate. 1647.

The other Petitioners are called in and judgment pronounced, "That ordinarily Petitions of this nature do draw evil consequences on the Petitioners; *but the House which looks with a tender eye on all the People of the Kingdom, doth look with the same eye upon the Petitioners, and, therefore, forbears to proceed any farther, expecting that from this they should be advised to forbear to be active in, or to prefer Petitions of this nature.* (m)

June 1. (Tuesday.) A Letter is received from the General, at Bury St. Edmunds, with a Paper inclosed to his Excellency, Sir T. F., &c., intituled "The Opinions and humble Advice of the Council of War, convened at Bury, this Saturday, 29 May, 1647, &c."

June 3. The Commissioners return from the Army, "*in regard it was in a distemper, and did march away from the Place of Rendezvous.*"

The Commons revive a Committee for receiving Complaints against Members, or any Servant of Members, or Clerks, Officers, or others, for any Bribes or Rewards in any business relating to Parliament.

The Commons Resolve, by 96 against 79, "*That the Declaration of March 29, 1647, expressing their dislike of the Petition of the Army, imposing terms on this House, SHALL BE EXPUNGED OUT OF THE JOURNALS.*"

June 4. The humble Petition of all Private Soldiers in general, in and about London, is read.

The Commons Order, That all their Members shall attend notwithstanding particular Leave.

June 5. The Lords negative the Commons' Vote on the Declaration.

Ordered. The House to meet To-morrow (Sunday) at Four, in regard of urgent haste and necessity.

June 8. The Lords Agree to expunge the Declaration. Many Lords Protest.

June 11. It is Ordered, by Lords and Commons, "*That the Excise of Flesh and of Salt, be taken off, on the 24th day of June.*"

An Order is sent to Sir T. Fairfax not to bring his Army within forty miles of London.

An Order is made, that the COMMITTEE OF SAFETY SHALL RAISE FORCES FOR THE DEFENCE OF PARLIAMENT.

A Letter from the Commissioners with the Army, incloses an Answer of Sir T. Fairfax, and the Officers at Cambridge, and a printed Paper, "A Solemn Engagement of the Army, &c., with their Resolutions."

June 13. (Sunday.) A Letter from the General, incloses Petitions from Essex, Norfolk, and Suffolk, "that he would mediate for Peace."

June 14. The Commons Order a Declaration for giving Satisfaction to the Soldiery, and prohibiting the assembling and gathering of all Soldiers or other Persons whatsoever, UPON PAIN OF DEATH.

June 15. Sir T. Fairfax complains of the Votes of the Houses, and the new Levies making.

(m) In May, the attendance of Peers averaged 16. The greatest number of Earls present was 11 and the lowest 2, and of Barons 11 and 3. Two Viscounts were sometimes present.

Divisions in the Commons House (April and May) were, 64 against 56; 99-76; 60-45; 56-53; 87-56; 81-81; 60-45; 68-59; 104-81; 114-7; 80-54; 104-91; 34-32; 31-28; 33-30; 139-100; 94-86; 143-63; 113-57; 73-71.

1647.

A. R.

23

June 16. The Lords Agree to a Vote of the Commons "For ADNULLING AND MAKING VOID THE ORDER OF THE 12TH OF JUNE, FOR RAISING LEVIES. The Earl of Lyncolne protests.

A Representation from his Excellency, Sir Thomas Fairfax, and the Army under his Command, is humbly tendered to the Parliament, concerning the great and fundamental Rights and Liberties of themselves, and all the Kingdom, with some humble Propositions and Desires thereunto, for settling the Peace of the Kingdom. It contains, also, a Charge against Eleven Members of the Commons' House, "for having jointly and severally invaded, infringed, and endeavoured to overthrow the Rights and Liberties of the Subject." (n)

June 17. A Messenger from the King attends. The Lords Order, Thanks to be given him.

Lady Viscountess Montague has Privilege in a Suit.

June 18. The Counties of Herts and Bucks petition Sir T. F. and pray that certain Grievances may be redressed before he disbands the Army. (o)

June 22. Sir. T. F., by Letter, declines removing his Army, or sending the King's Person to Richmond, according to order, till an Answer is received to the Desires of the Army, conceiving he shall neither give satisfaction to the Kingdom, nor to the Army, who are in expectation of some effect therefrom."

June 23. The Commons Resolve, "That if any Forces be listed by virtue of any Order of Lords or Commons, they be and are hereby discharged.

June 24. A Letter from the General to the Lord Mayor

(n) This Representation contains the following Heads of Proposals.

"That the things hereafter proposed being provided for by this Parliament, a certain Period may, by Act of Parliament, be set forth for the ending of this Parliament; each Period to be within a year at most; and in the same Act, provision to be made for the succession and constitution of Parliaments, in future, as follows.

(1) That Parliaments may be Biennially called, and meet at a certain day, with such Provision for the certainty thereof, as in the late Act was made for Triennial Parliaments, and what further, or other Provisions shall be found needful by the Parliament to reduce it to more certainty; and upon the passing of this, the said Act for Triennial Parliaments to be repealed.

(2) Each Biennial Parliament to sit One Hundred and Twenty Days certain, unless adjourned or dissolved sooner by their own consent; afterwards to be adjournable or dissolvable by the King, and no Parliament to sit past 240 days from their first meeting or some other limited number of days, now to be agreed on; upon the expiration whereof, each Parliament to dissolve of course, if not otherwise dissolved sooner.

(3) The King, upon the advice of the Council of State, in the interval betwixt Biennial Parliaments, to call a Parliament extraordinary, provided it meet above Seventy Days before the next Biennial Day, and be dissolved at least sixty before the same, &c.

(4) That the Biennial Parliament may appoint Committees to continue during the interval of Adjournment, or Dissolution.

(5) That the Elections of Commons be distributed to Counties, &c., according to some rule of Equality, as Rates, &c. Burgesses to be taken off poor and inconsiderable Towns, and additions made to Counties, &c.

(6) That effectual provision be made for freedom of Elections, and certainty of due Returns

(7) The House of Commons alone to have the power to make further Orders and Rules.

(8) Liberty to be given for Dissent. No Members to be censurable for ought said or voted, farther than unto exclusion from their Trust, and that only by Judgment of the House.

(9) The Judicial Powers of the Houses to be defined and cleared.

(10) The Rights and Liberties of the Commons to be cleared as to Judgments by the House of Peers, without concurring Judgment of the House of Commons, &c., &c."

(o) See Journals Lords IX. 278. This Petition is well worth Perusal for the past history of the Parliament. It may be remarked, that the Commons, upon all occasions, cautiously abstain from giving insertion in their Journals to Documents, whether in the shape of Petitions or otherwise, that seem in any way to canvas the justice of their Proceedings. The Lords insert all Papers, whether for, or against themselves.

declares that he cannot remove farther off, till the demands of the Army are answered by both Houses, and the accused Members be excluded. 1647. A. D. 23

June 25. The Commons Resolve that, "By the Laws of the Land, no Judgment can be given to suspend the Members charged, from sitting, before Particulars are produced and Proofs made."

P. M. They Resolve, "That it doth not appear that anything hath been said or done within this House, by any of the Members in question, touching any of the matters contained in the Paper sent from the Army, for which this House can in justice suspend them."

Information is received of the Army's March to Uxbridge.

Ordered. Four full Companies to be sent to guard the Houses of Parliament, by 7 o'clock To-morrow, at farthest.

June 26. The Lords Resolve "To consider the demands of the Army, BEFORE THEY REMOVE FORTY MILES FROM LONDON."

They Order THE FORCES ENLISTED BY THE COMMITTEE OF SAFETY TO BE DISCHARGED.

An inquiry is Ordered, in the Commons, as to the Author of "A true Narrative of the preservation of his Majesty's Person by the Army."

June 28. The Lords receive a Declaration from Sir T. F. containing the desires and Proposals of the Army, before they march back to a further distance from the City.

Resolved. "THE LORDS AND COMMONS ASSEMBLED IN PARLIAMENT, DO OWN THIS ARMY AS THEIR ARMY, AND WILL MAKE PROVISION FOR THEIR MAINTENANCE SO SOON AS MONEY CAN CONVENIENTLY BE RAISED."

The Commons Resolve, That the Duke of Richmond, and the King's Chaplains, Drs. Shelden and Hamond, shall be removed from the King at Hatfield, and no Person have access to him. (p)

July 1. (Thursday.) The Lords Order, That Drs. Shelden and Hamond appear forthwith, and answer, for using the Common Prayer Book before the King.

Sir T. F. refuses to come to any Conclusion till the Army's last Propositions be fully answered, which they hope will be the Parliament's next care.

July 2. The City Petitions at length, "that the Parliament would lay aside all business of lesser consequence and improve their time and endeavours that such Laws may be prepared for his Majesty's Royal concurrence as may settle the Government of the Church, secure the People from unlawful arbitrary Power, and restore his Majesty to his Just Rights and Authority ACCORDING TO THE COVENANT, without all which the Petitioners can never expect any lasting establishment, &c."

The Lords return Acknowledgments for the same, &c.

July 5. The Commons Order a new Writ for the Town of Lynne, Mr. Hudson having assisted at the rising at Lynne. Votes are passed to disenable Members.

July 6. The Commissioners of Sir T. F. send further "Desires."

July 8. A Letter from Sir T. F. desires that the King may see his Children, and that the Duke of Richmond and his Chaplains may have access to him. It further states, "We care not

(p) Eighteen was the Average number of Peers present in June. The highest and lowest number of Earls was 12 and 4, and of Barons 10 and 3. Two Viscounts were occasionally present.

1647.

A. D.

23

who know, what hath been said or done; for as we have nothing to bargain for or to ask, either from his Majesty or the Parliament, for advantage to ourselves, or to any particular Party or Interest of our own, the only interest and effect of our Addresses hath been to endeavour and desire his Majesty's free concurrence with the Parliament for establishing and securing the Common Rights and Liberties, and to assure him that it is fully agreeable to our Principles and shall be our desire and endeavour that the Rights of his Majesty and his Royal Family shall also be provided for, so as a lasting Peace and Agreement may be settled in this Nation."

July 9. The Commons Resolve, If any Members having liberty of 20 days, come to the House within 20 days, they shall have 4 days' liberty only to present their case in writing to the House.

July 10. Divers Aldermen and Citizens, from the Lord Mayor and Aldermen, *humbly insist* that some Articles of their Petition lately presented may be taken into consideration.

"They receive Hearty Thanks for their good affections, &c."

July 12. The Earl of Clare has Privilege in a Suit.

July 14. The Petition of "at least 10,000 well affected young men and apprentices of the City of London, praying for the Safety of the King, ACCORDING TO OUR SOLEMN LEAGUE AND COVENANT, &c.," is read in the Lords, who vote "their hearty Thanks."

John, Lord Finch, petitions for Leave to come to England.

July 15. A Letter from Sir T. F. encloses the Representation, Declaration, Petition and Engagement of the Soldiers of the Northern Association.

July 17. Many Members are allowed leave of Absence (daily.)

July 20. The Eleven accused Members having delivered in their Answers, are allowed Leave of Absence for a Term not exceeding Six Months, and a Pass beyond the Seas.

Resolved. The Serjeant-at-Arms to command the People assembled on the Stairs in a clamorous and tumultuous way, forthwith to be gone, remove and disperse; and that One Hundred Halberds be forthwith provided for the use of the House.

The Commissioners of Sir T. F. desire "That all Persons Imprisoned, whose Imprisonment is not by the ordinary and regulated Course of Law, BUT BY ORDER OF EITHER HOUSE OF PARLIAMENT, OR OF COMMITTEES, may be put into a speedy, regular and equitable Trial, or have Liberty, upon reasonable Security for their appearance at a day certain, and if, on trial, they appear wrongfully or unduly imprisoned, they may have Reparation according to their sufferings. In particular we desire this may be done in behalf of Lieut.-Col. John Lilburne, Mr. Musgrave, Mr. Overton, and others in their condition, imprisoned in and about London."

July 21. Lord Conway is allowed Privilege in a Suit.

July 22. An Ordinance is made to secure payment of Tithes.

In the Commons a Petition is read, of the "Citizens, Commissioners, Officers and Soldiers of the Trained Bands, of the Young Men and Apprentices of the Cities of London and Westminster, the Sea Commanders, Seamen and Watermen, with divers other Commanders, Officers and Soldiers, &c."

A Committee is appointed to consider what Engagement or Combination has been entered into by any People to the disturbance of the Peace of the Parliament and Kingdom, &c.

July 23. The Earl of Manchester is continued Speaker till 1647.
25th March. A. D. 23

The Earl of Lyncolne is allowed Leave till Michaelmas.

In the Commons, *Resolved*, That a Declaration be made against the "Solemn Engagement" of the Citizens, Commanders, Officers, and others, petitioning "that the King may presently come to the Parliament, &c." that all such as set their Names to, or publish it, shall be guilty of High Treason.

July 26. The Lords make an Ordinance "to annul and make void the Declaration of July 23 and 24, declaring those Traitors, and so to forfeit Life and Estate, who sign or publish the Engagement."

A Petition is received from the Lord Mayor, Aldermen, Citizens, Apprentices, Officers and Soldiers of the Trained Bands, Sea Commanders, Seamen and others, praying the Revocation of the Ordinance on the Militia.

The Commons, BY ADVICE OF THE LORDS, REVOKE AND MAKE VOID THE ORDINANCE ON THE MILITIA, AND THEIR DECLARATION OF JULY 23.

"The House could not be divided, according to the ordinary and constant practice, by reason of the Multitude and Tumult at the Door, that would by no persuasion withdraw, that the outer Room might be cleared."

July 30. Report is made to the Commons' House, "That Mr. Speaker was not to be heard of; that he had not lodged at his House that night, but was gone out of Town Yesterday Morning."

A Debate is held as to the continuance of the House, and their Power to elect a new Speaker. Mr. Pelham is nominated, but declines. Two Members take him by the arm and place him in the Chair. After further excuses, he submits. (g)

A Petition is read from the Lord Mayor, Aldermen, and Common Council. *Resolved*, "The House doth approve it."

Resolved, All Members absent without Leave, to attend forthwith. All having Leave, and the Impeached Members, to attend on Aug. 16.

A Petition of many "well affected young Men and Apprentices" is read,

Resolved, "The House doth approve thereof."

The Lords read "a Petition from the Lord Mayor and Aldermen, and an Order of their Militia Committee."

The Lords return them hearty Thanks for their continual care of the Safety of Parliament, &c.

The new Speaker of the Commons is presented and approved in the Lords.

Sir Thomas Fairfax, by Letter, informs the House, "That he is marching to London for the Security of Parliament."

The Lords and Commons Order, "That the Army shall not advance within 30 miles of London, and that a Letter be written to Sir T. Fairfax to observe this Order." (r)

Aug. 2. The Assembly of Divines petitions for Peace.

(g) It is to be observed that the Lords Journals make no mention of the departure of their Speaker, the Earl of Manchester, nor of the appointment of Lord Willoughby of Parham, in his place.

(r) Divisions in the Commons, in June, were 128 against 112; 154-123; 95-79; 104-93; 78-77; 119-86; 140-110; 146-115; 133-117; 74-72; 145-71; 53-27; 121-85. In July, 92-61; 65-63; 61-46; 77-17; 76-39; 77-46.

1647

A. R.

23

The Commons "return their hearty Thanks and will join their Prayers and Endeavours that a Peace may ensue."

Aug. 6. A Declaration is received from the Army, and Report made, "That Sir T. F. and the Army are advanced to Town, in regard of the force and violence offered to the Parliament, in order to the safe and free sitting of the Parliament." (s)

The Commons Resolve, "THIS HOUSE DOETH APPROVE OF THE COMING UP OF THE GENERAL AND THE ARMY, FOR THE SAFE SITTING OF THE PARLIAMENT, AND THAT THANKS BE GIVEN TO THE GENERAL AND ARMY FOR THE SAME."

Resolved. *A Gratuity of One Month's Pay to be freely bestowed upon the Non-Commission Officers and Private Soldiers of the Horse, Foot and Dragoons.*

The Lords Resolve, "THIS HOUSE DOETH APPROVE THE DECLARATION OF SIR T. F., AND HIS PROCEEDINGS IN BRINGING UP THE ARMY."

A Thanksgiving is appointed for the safe Return of the Members of both Houses, to the Houses.

Sir Thomas Fairfax attends the Commons' House. "A Chair is placed for the General within the Bar. The Speaker acknowledges God's great Mercies in this Action, and communicates the Thanks of the House."

The House receives a Resolution of the Lords, "That the Revocation, on the 26th of July, of the Ordinance of July 23, being gained from the Houses by force, and all other Acts, Orders and Ordinances made or pretended to be made sithence the violence offered to Parliament, until the return of both Speakers, shall be null and void."

Aug. 9. The Commons Resolve, "There was a visible, insolent and actual force upon the Houses of Parliament on the 26th July, and that all Acts and Votes done and passed during that force, relating to the Militia of London, the Declaration against the Engagement and the King's coming, (July 26, Aug. 6) be declared void from that time." The Resolution passes by *Ninety-Five against Ninety-Four*. Mr. Rolle, Sir Anthony Irby and Mr. Ashhurst, who were present at putting the Question, and yet withdrew into the Committee Room, affirm that they were not Told. Being required, they declare in the Negative. So the Question passes in the Negative.

Aug. 10. A Debate in the Commons, on the Declaration of Sir T. Fairfax and his Council of War, continues the whole day.

The average number of Peers present during the month was 19. The highest and lowest number of Earls was 10 and 4, and of Barons 7 and 2. Only 1 Viscount had attended.

(s) This Declaration states, that, "If these things must be the end and upshot of all, what remains to this poor Kingdom and all truehearted Englishmen but to join together as one man with their Counsels, Estates, and Lives, as our last Refuge under God, which He, by his wise and gracious Providence, hath provided and reserved, by keeping up this Army even to a miracle, to procure to this dying Kingdom a settled peace and happiness. In the name of the Army we declare, That all the Members of the House already with the Army, or forced to absent themselves, we hold and esteem as Persons in whom the Public Trust of the Kingdom is still remaining. To that end, we invite them to repair to the Army, and join with us in this great cause. In the meantime, we do declare against that late Choice of a new Speaker, by some Gentlemen at Westminster, as contrary to all Right, Reason, Law, or Custom, and we are clearly satisfied that there is no Free and Legal Parliament Sitting, and that the Orders, Votes, &c., of some few Lords and Gentlemen at Westminster are void and null, and ought not to be submitted to by the free born Subjects of England. Therefore we have Resolved to march up to London."

In this Declaration see a pertinent account of the effects of the Administration of Law by "Multitudes." Lords' Journals, IX. 377.

Aug. 13. A Declaration of both Houses to the Army, on the violence offered to Parliament by the Citizens, is signed by the Earl of Manchester and 8 Peers, and by William Lenthall, Esq. and 57 Members of the Commons. 1647.
A. R.
23

The *Lords* desire a concurrence in the vote approving the Declaration of Sir T. Fairfax. "They hold themselves acquitted and discharged of any ill consequences that may ensue upon such retardment of the great affairs of the Kingdom and the settlement of Peace." The Commons send up Amendments.

Aug. 17. A Question in the *Commons*, "That upon and from 26 July last, until 6 August, both Houses were under a force and not free," the Noes are 73, the Yeas 75. *So it passes Negatively.*

Aug. 18. The *Lords reject* an Ordinance from the House of Commons, for repealing all Acts and Votes between 26 July and 6 August. They desire a Conference concerning the Votes sent on the 6th of August, and offer an Ordinance for the speedy Settlement of Peace, discharging themselves of all consequences, if it be refused.

Aug. 19. The *Commons* negative the *Lords'* Ordinance, by 87 against 84.

A Remonstrance is read from Sir T. Fairfax and the Army, at Kingston, insisting "that the Members who sat while the Speakers were absent, shall not sit again till they have cleared themselves."

Aug. 20. The *Lords*, by Letter, "approve the Army's Remonstrance."

An Ordinance for annulling, &c., is approved, as amended by the Commons.

Aug. 26. A new Writ is Ordered for the County of Merioneth, (a Member deceased.)

Aug. 27. Ordered, The Printers of "New Propositions from His Excellency Sir T. Fairfax," and "His Majesty's Declaration to all his loving Subjects," to be attached. (1)

September 1. (Wednesday.) The *Commons* make an Ordinance against Persons assembling about the Doors of the Houses, "that they do not presume to resort thither, &c."

Sept. 4. Ordered in the *Commons*, The Eleven Members, accused by the Army, to appear on the 16th October, to answer, &c.

Sept. 6. An Ordinance is made against all Pamphlets, &c., giving the Occurrences and Proceedings of Parliament.

Sept. 7. The *Commons Resolve*, by 58 against 52, that John Glyn, Recorder, (an accused Member) be discharged from being a Member, and be Committed to the Tower.

They *Resolve*, also, that Sir John Maynard, who refuses to answer to any of the Informations, shall be disabled, committed to the Tower, and Impeached of High Treason.

Sept. 8. The *Commons*, by Message, Impeach the Seven Lords, who sat while the Speakers were with the Army, of High Treason, "for levying War against the King, Parliament and the Kingdom," and desire the Lords to sequester them. (u)

(1) The Average number of Peers present in the House of Lords, in August, was Seven. The highest number of Earls was 7, and the lowest 2. The highest number of Barons was 5, and the lowest 1. One Viscount occasionally attended.

(u) These Lords were James, Earl of Suffolk, Francis, Lord Willoughby of Parham, John, Lord Hunston, William, Lord Maynard, Theophilus, Earl of Lycolne, George, Lord Berkeley, and James, Earl of Middlesex.

1647.

A. S.

23

Sept. 9. The Commons disable, and commit to the Tower, Lyonell Copley, Esq. (v)

Sept. 14. The Commissioners return from Hampton Court, having on the 7th delivered to the King certain Propositions of the Parliament. "His Majesty finds them the same in effect which were offered to him at Newcastle, to some of which, as he could not then consent without violation of his Conscience and Honour, so neither can he agree to others now, conceiving them in many respects more disproportionable to the present condition of affairs than when formerly presented. He therefore propounds as the best way in his Judgment in order to a Peace, that his two Houses will instantly consider those Proposals upon which there may be a Personal Treaty with his Majesty, hoping that the said Proposals may be so moderated in the said Treaty as to render them the more capable of his Majesty's full concessions."

The Commons concur with the Lords in taking off the Earl of Portland's Sequestration, "for that both Houses have now passed away the Isle of Wight, and therein the greatest part of the Petitioner's Fortune."

Sept. 15. An Ordinance is made for making Recompense to Lord Viscount Say and Sele, Sir B. Rudyard, Knight, Sir Rowland Wandesford, Knight, and Charles Fleetwood, Esq., out of the Lands and Possessions of the Earl of Worcester, and Francis Lord Cottington, in lieu of their respective Places.

Sept. 16. Petitions from the Citizens of London and Counties of Oxon, Bucks and Herts are Answered, "The matters have been settled after great and serious Debate, by the Ordinance, 20th August." (w)

Sept. 17. A Letter from Sir T. Fairfax complains of Scandalous Pamphlets, and desires that two or three Sheets may be permitted to come out weekly, which may be Licensed, and have some Stamp of Authority, and that Mr. Mabbott may be restored and continued as Licenser.

An Ordinance is made against the Forgers of an Act of Parliament.

Sept. 20. An Ordinance passes to inhibit and prevent the printing, &c. of Pamphlets, seditious Libels, &c. (x)

Sept. 21. The Lords and Commons Resolve, "That the King in his Answer given at Hampton Court on the 9th Sept., hath DENIED HIS CONSENT TO THE PROPOSITIONS FOR PEACE."

Sept. 22. The Scots' Army declares "it will maintain the Covenant for the King and Parliament."

Sept. 23. The Commons Resolve, "The House will once again make Application to the King for those things which the House shall judge necessary for the welfare and safety of the Kingdom."

Resolved. The matter of the Proposition for the utter abolishing and taking away of Archbishops, Bishops, their Chancellors, &c., shall be sent to the King, for his Consent.

(v) A Letter from the Mayor of Sandwich; on certain words spoken on the intentions of the army, has this superscription,

"To the Earl of Manchester &c., These, Haste, Haste, Haste,

"Haste, Haste, Post Haste, for service of the King and Parliament.

"These, Haste, Haste !!"

The form of this requirement was not uncommon, on urgent occasions.

(w) Much of the time of the Houses is now taken up with Resolutions as to Compositions to be paid on clearing from Delinquency, and the same proceedings were continued through the two following years and under the Commonwealth. This Treasury Resource was never neglected.

(x) On the 20th, the Commons Order that all Sequestered Books, Evidences, Records, &c., shall be forthwith delivered unto Henry Eleyng, esq., Register.

Resolved. The Proposition, "That all Outlawries, Attainders, &c., against any for adhering to the Houses in the War they have been necessitated to undertake in their just and lawful defence, shall be declared null and void," shall be sent to the King. 1647.
A. R.
23

Sept. 24. The *Lords* allow Privilege to Halsey, Solicitor to the Earl of Lyncolne.

The *Commons Resolve* to impeach of High Treason Sir John Gayer, Knight, Lord Mayor of the City of London, many Aldermen and others, "for abetting the force and tumult used on the 26th July."

Sept. 29. The *Commons* pass an Ordinance against the Con-trivers, &c. of the late horrid and violent force done to both Houses.

Sept. 30. Mr. Mabbott is appointed to license the Weekly Papers, and an Ordinance is made against Unlicensed Books. (y)

October 2. (Saturday.) The *Commons Resolve* that the King's consent shall be desired to the Ordinance (3 Jan., 1644) taking away the Book of Common Prayer and establishing the Directory.

Oct. 5. The *Commons* answer the Petition of divers Citizens of London, Westminster, Southwark, &c., "That the matter has been settled by the Ordinance, 20 August, and that it is the Duty of Englishmen to acquiesce in the Judgment of the Parliament, and the House doth expect they should do so."

Oct. 7. An Order is made to discover the Author of a Scandalous Pamphlet, "Mercurius Redivivus."

Oct. 9. The *Commons' House* is called. A Committee is appointed to examine the causes of the Absence of Members.

Oct. 12. The Earl of Shrewsbury tenders himself.

Oct. 15. A new Writ is Ordered for Shafton, (Member deceased.)

Ordered. The Serjeant-at-Arms to apprehend all Women and other Persons who clamour about the Houses, and speak scandalous words against the Parliament.

Oct. 16. Ordered. Richard Lownes, Author of "Mercurius Pragmaticus," a libellous, seditious Pamphlet, to be committed to Newgate.

Oct. 22. It is *Reported*, That the Vice-Chancellor and certain Heads of Houses at Oxford, refuse to submit to the Visitation of the Visitors appointed by Parliament.

The *Commons Resolve*, That the Arrears of pay to the Army shall be paid out of the remaining part of the Lands and Revenues of Archbishops and Bishops, belonging to their Archbishoprics, &c.

Numerous Delinquents are cleared, on Composition by Fine.

Oct. 25. New Writs are Ordered for County of Stafford and Boroughbridge, (Members deceased.)

Oct. 28. Resolved. Members who were absent at the last Call, and have deposited, or shall deposit, their £20, between this and Saturday, shall have them restored. (x)

(y) The Average Number of Peers present was Six. The number of Earls or Barons never exceeded Five, and their lowest number was Two. One Viscount only ever attended.

Divisions in the Commons were, in *August*, 73 against 32; 95-94; 110-76; 95-70; 104-64; 78-75; 77-72; 86-63; 87-84; 93-93; 85-83; 66-54; in *September*, 51-40; 58-52; 71-31; 84-34; 70-23; 36-5; 29-19.

(z) The Average Number of Peers present in *October* was Seven. The number of Earls never exceeded 6, or that of the Barons, 5; and their lowest Numbers were 2 and 1. Only one Viscount occasionally attended.

1647.

A. B.

23

Nov. 2. *Ordered.* A Collection and Catalogue to be made of all Papers, Writings, &c., that are in the hands of the Clerks and Secretaries of Parliament, to be made use of by Parliament.

Nov. 3. The Question, "Whether Members absent on a Call, shall forfeit £20," is *negatived* by 152 against 112.

Nov. 5. *Resolved.* THE KING IS BOUND IN JUSTICE AND DUTY TO GIVE HIS ASSENT TO SUCH LAWS AS SHALL BE TENDERED UNTO HIM BY BOTH HOUSES OF PARLIAMENT.

Nov. 6. The Scots' Commissioners, by Letter, desire that the King may be brought to London for a Personal Treaty.

Nov. 9. It is *Ordered* in the Lords, That £100 be set upon every Lord summoned, and not present, unless in regard of health.

Lord Viscount Hereford is to attend this day three weeks.

The Commons receive a Paper addressed "to the Supreme Authority of the Nation, the Commons, in Parliament assembled," "The just and earnest Petition of those whose names are subscribed, in behalf of themselves and all the free born people of England;" and, "an Agreement of the People for a firm and present Peace upon grounds of Common Right."

Resolved. The matters herein contained are destructive to the being of Parliaments, and the fundamental Government of the Kingdom.

Nov. 11. The King having escaped from Hampton Court, the Commons make an Order (58 to 48, and 61 to 50) "*That whosoever harbours the King shall be treated as a Traitor, forfeit his Estate, AND DIE WITHOUT MERCY.*"

Nov. 12. A Message is received from His Majesty, "I call God and the world to witness with what patience I have endured a tedious restraint, but finding that my continued patience would not only turn to my personal ruin, but be of much more prejudice than furtherance to the public good, I appeal to all indifferent men to judge if I have not just cause to free myself from the hands of those *who change their principles with their condition*, and are not ashamed openly to intend the destruction of the Nobility by taking away their Negative Voice, and with whom the Levelling Doctrine is rather countenanced than punished. I shall earnestly and incessantly endeavour the settling of a safe and well grounded Peace wherever I am or shall be, and that, as much as may be, without the effusion of more Christian blood; for which how many times have I pressed to be heard, and yet no ear given to me? Can any reasonable man think, that, according to the ordinary course of affairs there can be a settled Peace without it, or that God will bless those who refuse to hear their own King? To conclude, let me be heard with freedom, honour, and safety, and I shall instantly break through this cloud of Retirement and shew myself to be really Pater Patriæ."

Nov. 16. The Officers and Soldiers petition Sir T. Fairfax to keep his Army together till they are assured of their Indemnity and Freedom. To this Petition is annexed, "The People's Engagement" with "England's Freedom, Soldiers Rights," inscribed on the back.

Nov. 17. The Lords Order a Declaration to express Dislike of, and to suppress the "*Agreement of the People.*"

Sir T. Fairfax sends a Remonstrance, and Requisition "That a time be fixed for this Parliament to determine."

Nov. 18. Letters are received from the King, detained in the Isle of Wight by Col. Hammond.

The *Lords Order*. That if any person presume to listen at any of the Doors of this House, when this House sits, the Gentleman Usher shall take them into custody. 1617.
A.S. 23

The Scots' Commissioners complain of the usage the King has met with, and press their former desire that he may come to London.

Nov. 23. The Petition to the "Supreme Authority," with the "Agreement of the People," is again presented to the Commons.

They *Resolve*, That it is a seditious and contemptuous Avowing and Prosecution of a former Petition, &c., and that the Bearer be committed to Newgate.

Nov. 26. At a Conference, the *Lords* desire, that the Houses may not refuse to hear the King in such things as may be subjected to debate; and they offer four Propositions.

Nov. 27. The *Lords Order* the Impeached Lords to be discharged on Friday, if no particular charge is brought against them.

The *Commons Order* inquiry as to the Licensers, Authors, Printers, &c., of scandalous and seditious Pamphlets, "Mercurius Elenchicus and Pragmaticus."

They agree (115 against 108) to the Lords' Propositions. (a)

December 7. (Tuesday). Lord Goring tenders himself.

The *Lords* receive a Remonstrance from Sir T. Fairfax and the Council of War.

The *Commons* receive a Petition from the Inhabitants of Middlesex against the intolerable burden and bondage of Free Quartermen; as also from the County of Herts.

The House *thinks them*, and doubts not to give speedy relief.

Dec. 9. A Letter from the King at Carisbrook Castle, again presses a Personal Treaty.

Dec. 14. The *Lords* pass 4 Bills sent up (1) For Settling the Forces; (2) For Justifying the Proceedings of Parliament and declaring all Oaths, Declarations, Proclamations &c. &c. against it, null and void; (3) Concerning the Adjournment of both Houses; (4) Concerning Peers lately made and hereafter to be made.

Dec. 17. The *Lords* pass an Ordinance to confirm all Institutions and Inductions made by Order of this House.

The Scots' Commissioners refuse to agree that the Bills shall be sent to the King previously to any Treaty. They again press a Personal Treaty with him at Westminster, and desire that the COVENANT MAY BE ESTABLISHED. (b)

Dec. 18. The Scots' Commissioners are informed that the going of the Commissioners to the King cannot be delayed, and they are desired to "forbear Aspersions on the Houses." They "clear themselves."

Dec. 24. Sir T. Fairfax sends the "Results of the General Council of the Army."

(a) The Average Number of Peers, in the Month of November, was Eleven. The highest number of Earls present was 9, and the lowest 3, and the Barons varied from 7 to 2. Only one Viscount was ever present.

Divisions in October and November, have been 53 against 19; 58 against 35; 41-30; 41-33; 68-60; 66-46; 50-42; 32-17; 60-44; 152-112; 43-41; 71-62; 103-70; 92-69; 93-59; 58-48; 61-50; 111-69; 75-67; 76-65; 86-68; 115-106.

(b) For this excellent Paper of the Scots' Commissioners see Lords' Journals, ix, 291. It appears that the engagements of the Covenant were all this time quite forgotten by the Parliament.

1647.
A. R.
23

Dec. 25. The *Commons Order* inquiry as to the Author, &c., of a scandalous and libellous Pamphlet, "The People and Soldiers' Observations on the Scots' Message to Parliament concerning the King, Nov. 5, 1647;" also, "The Humble Petition of Agnes Corbett, a most distressed Widow from Ireland."

Dec. 28. Sir T. Fairfax desires that Colonel Rainsborough may Command the Winter Fleet.

The *Lords Resolve* that Colonel Rainsborough shall *not* command, &c., "as not fit for so great a Trust."

The Scots' Noblemen and others, in the name of the Kingdom of Scotland, express their Dissent from the Propositions and Bills sent to his Majesty, in the Isle of Wight.

Dec. 30. The *Commons Order* a "fuller Ordinance to suppress and abolish the observance of Festivals, called Holy Days, with a Penalty, &c." (c)

Dec. 31. The Lords receive a Letter from the King. "His Majesty believes it is clear to all understandings that the Bills contain not only the divesting himself of all Sovereignty, and that without possibility of Recovery, either to Himself or his Successors, except by the Repeal of those Bills, but also making his Concessions guilty of the greatest pressure which can be laid upon the Subject, as in other particulars, so by giving an arbitrary and unlimited Power to both Houses for ever to raise and levy Forces for Sea and Land Service, of what Persons, (without distinction or quality), and to what numbers they please; and likewise for the payment of them, to levy what Monies by such ways and means, (upon the Estates of whatsoever Persons), they shall think fit and appoint, which is utterly inconsistent with the Liberty and Property of his People and his Majesty's Trust in protecting them.

"His Majesty thinks it not unfit to wish his Two Houses to consider well the manner of their Proceeding; that when his Majesty desires a Personal Treaty with them, for the settling of a Peace, they, in Answer, *Propose the subject matter of the most essential Parts thereof to be first granted; a thing which will be hardly credible to Posterity!*

"His Majesty now again presses for a Personal Treaty, there being no other visible way to obtain a well grounded Peace. However, his Majesty is very much at ease within himself, having fulfilled the Offices both of a Christian and a King, and will patiently wait the pleasure of Almighty God to incline the hearts of his Two Houses to consider their King, and compassionate their Fellow Subjects' Miseries." (d)

1648:
A. R.
23

January 3. (Monday.) The *Commons Resolve*, (by 141 against 92) "That they will make no further Addresses or Applications to the King, that no other Person shall be allowed to do so, without Leave of both Houses, and that the Breach of this Order shall incur the Penalties of Treason."

Resolved. This House will receive no more Messages from the King, and no Person whatever shall presume to receive or

(c) Jan. 7, of this year, Complaint had been to the Lords by a Minister, that notwithstanding the orders of the Directory and Covenant, Christmas Day was still observed by the People, and Preaching carried on forenoon and afternoon.

(d) The Peers averaged this Month, ten. The Earls had not exceeded nine and their lowest number had been three. The highest number of Barons had been six and the lowest three. Only one Viscount had been present.

Divisions in *December*, were 84 against 50; 93-45; 89-66; 61-59; 55-33; 84-73, 62-88; 70-73; 62-46; 58-60.

bring any Message to both or either of the Houses, or to any other Person. 1648.

Jan. 11. A Declaration is received by the Commons from Sir T. Fairfax and the General Council, of their Resolutions on the Parliament's Proceedings concerning the King.

Resolved, The House approve of this Declaration and give hearty Thanks, &c.

Jan. 14. *Ordered*. The General forthwith to take course for the Safety and Security of the Parliament, and send a convenient strength of Horse and Foot, not less than 2000, to be quartered at Whitehall and the Mewse.

Jan. 17. Sir T. Fairfax and the Council of the Army declare "That they will maintain the Rights and Privileges of the Peerage."

Jan. 19. The Lords return them Thanks.

The Lords release, on their Petition, the Seven Lords, the Commons having brought no Charge against them.

The Commons receive two Printed Papers "The Mournful Cries of many thousand poor Tradesmen, &c.," and "The earnest Petition of many free born People, &c."

Jan. 25. An Order is made to bestow upon the Guards that attend the House, each a Pair of Shoes and Stockings, and for each Trooper, a pair of Boots.

Jan. 29. The Commons send up Articles of Impeachment against the Earls of Lyncolne, Suffolk, Middlesex, Berk, Lords Willoughby of Parham, Hunsdon and Maynard. (e)

February 2. (Wednesday.) The Lords make an Order to suspend the Privilege of Peers who desert the Parliament.

Feb. 4. The Commons take into consideration, "the Confession of Faith."

They *Resolve*, "It is the Duty of the People to pray for Magistrates, to honour their Persons, to pay them their Dues, to obey their lawful Commands, and to submit to their Authority for conscience sake. Infidelity or difference in Religion doth not make void the Magistrates' just and legal Authority, nor free the People from their just obedience to them, from which Ecclesiastical Persons are not exempted."

Feb. 5. Sir John Maynard, brought from the Tower to the Lords' Bar, is told by the Speaker, "The Lords do send for him to receive his Articles of High Treason, &c., brought from the Commons," and he is commanded to kneel at the Bar, as a Delinquent. Sir J. Maynard refuses, desiring, "That the Doors of the House may be set open for any body to come in that would. This House was not to be made private as the Council Table was. This way of Articles was not a way of proceeding of this Kingdom. Therefore, he being a Commoner of England, and a free born Subject, was to be tried as a Commoner, by Bill or Indictment, in the Inferior Courts of Justice, and he desires Counsel to speak to it."

Being again commanded to kneel, he answers, "He did not come there to make Bargains."

The Lords Order, That he be fined £500 for his Refusal.

They Order the Articles to be read. He refuses to hear them, but, being read, he is told to put in his Answer within 14 days. He replies, "He did not hear them, and protested against the

(e) The average number of Peers present in January was eleven. The highest number of Earls was nine and the lowest two, and of Barons the numbers were respectively eight and one. One Viscount attended on six days.

1648.

A. D.

23

reading of them. These Articles were not believed by those who drew and sent them up. He did admire the *justice of the Council Table*, compared with the arbitrary Proceedings against him."

He is committed to the Tower, and a Committee is appointed to vindicate the Honour of the House against such Contempts.

Feb. 19. Sir John Maynard is again brought to the Lords' Bar and refuses to kneel, saying, "It is a confession of Delinquency and will destroy his Cause; he desires to be pardoned for doing it." He is allowed a Copy of his Charge, and 14 days to answer. Their Lordships will assign him Counsel, when he delivers in their names, "and this was their Lordships' meer Favour." He is denied to be hailed.

The *Commons Order* a Reward of £100 for the discovery of the Author or Printer of two vile blasphemous Pamphlets, "The Parliaments' Ten Commandments, Paternoster and Creed; and "Ecce, the New Testament of our Lords and Saviours, the House of Commons at Westminster." (f)

March 1. (Wednesday.) New Writs are Ordered for Borough of Newport, Cornwall, (two deceased), and for Borough of Malden, Essex, (one disabled), also, (2) for Borough of Bodmyn, Cornwall, (one deceased, one disabled), and for Borough of Aldborough, York, (one deceased.)

March 3. Sir J. Maynard, by Letter, desires further time for his answer.

The Lords declare, "That desires of this nature by Sir J. Maynard and others in his condition, are to be presented to this House by way of Petition, and not by Letter." On his Petition, three weeks are allowed.

March 4. The Lords Order all Persons to be attached who interrupt their Lordships in going to or coming out of the House.

March 9. The Countess of Lyndsey is allowed the Privilege of other Dowagers, in a Suit against Johnson, her Tenant.

Ordered. A Committee to examine whether the Privilege of Parliament do extend to Dowagers.

An Ordinance sent up from the Commons is agreed to, "for passing unto Oliver Cromwell, Esq., Lieutenant-General, certain Lands and Manors in the Counties of Gloucester, Monmouth and Glamorgan, late the Lands of the Earl of Worcester, to the value of £2,500 per annum."

March 14. New Writs are Ordered for the Town of Andover and the Borough of Petersfield, (two Members disabled.)

New Writs are Ordered for the County of York, (one Member disabled and one deceased), and for the Town of Harwich, Essex, (Sir Harbottle Grimston, deceased.)

March 17. Sir J. Brooke claims the Barony of Cobham.

March 21. The Commons Order, That so soon as the Clock strikes 12, Mr. Speaker do go out of the Chair, and the House do rise, &c.

March 22. The Lords allow Privilege to Liptratt, Stationer to this House.

(f) Divisions in the month of January were 44 against 36; 81-61; 82-63; 71-30; 36-44; 43-42; 51-44; 56-20. In February, 70-43; 66-48; 80-50; 56-44; 71-40; 60-51; 63-52; 68-52; 69-55; 35-24; 61-32; 49-47; 41-34; 40-35; 47-41; 41-26; 62-40.

The average number of Peers present in February was Eleven, Earls 5, Viscount 1, Barons 5.

Of Earls the highest number was 7 and the lowest 3, and of Barons 8 and 2.

March 23. Ordered. A Writ for the Borough of Lurgeshall, Wilts, (Walter Long, Esq., disabled.)

March 27. The Earl of Manchester is continued Speaker for Six Months. 1646.

March 28. A Writ is Ordered for the County of Devon, (one deceased.) (g) A. R. 26

April 4. (Tuesday.) The Houses adjourn to the 12th.

April 12. Ordered. A Warrant, &c. for the County of Middlesex, (one deceased.)

April 18. Sir John Gayer, a Prisoner in the Tower, having sent a Paper "questioning the Jurisdiction of the Lords' House," is Ordered to be brought up.

April 19. He refuses to kneel at the Bar, and is Fined £500. The Articles against him are read. Time is allowed him to answer, and Counsel are appointed. He is committed to the Tower.

April 25. The Aldermen, Adams, Langham and Bunce, being brought up to the Lords to receive their Charge, refuse to kneel at the Bar. They are each fined £500 for contempt, and committed to the Tower.

April 27. It is Ordered in the Commons, "That the Members for the County of Essex take care to prevent a Meeting of the Grand Jury, Freeholders and Inhabitants of the said County, at Stratford Langthorne, on the 4th of May."

April 28. The Commons declare, "That such Meetings in so great numbers are very prejudicial to the Peace of the Kingdom, and that they be Ordered to forbear to meet."

The Commons Resolve, "THAT THE HOUSE DOETH DECLARE THAT THEY WILL NOT ALTER THE FUNDAMENTAL GOVERNMENT OF THE KINGDOM, BY KING, LORDS AND COMMONS." (h)

May 2. (Tuesday.) The County of Surrey petitions that there may be a Personal Treaty with the King.

May 3. The Parliament of Scotland send their Desires "To the Right Honourable the Speaker of the House of Peers, pro tempore, to be communicated to the Lords and Commons assembled at the Parliament of England, at Westminster," "that the Covenant may be observed, there may be a Personal Treaty with the King, the excluded Members may return, &c."

May 4. The Grand Jury and others of Essex, at Chelmsford, petition for a Personal Treaty.

May 5. The Commons Resolve, "This House is fully resolved to maintain and preserve inviolably the Solemn League and Covenant, and the Treaties between the two Kingdoms."

May 6. Writs are Ordered for the Town of Guilford, Surrey,

(g) The average number of Peers present was 9. Earls 4, Barons 5; one Viscount attended twice.

The highest and lowest number of Earls and Barons was 6 and 2, and 7 and 2.

Divisions in *March*, were 99-52; 43-36; 101-90; 99-90; 30-18; 65-45; 54-47; 51-35; 80-35; 49-35; 61-41.

It has already been remarked that much of the time of the Lords and Commons was occupied in passing Ordinances for taking off the Sequestrations of Delinquents' Estates, and in Resolutions on the amounts of Composition. As it was thought unnecessary to notice in former years the almost daily occurrence of the Commital and Sequestration of supposed Delinquents, so these common matters are omitted here. It appears, by the Lords' Journals, that in Oct., 1647, 80 such Ordinances were passed; in Jan., 1648, 90; in Feb., 25; in March, 40. These Compositions brought large sums into the Parliaments' Treasury, and as almost any one, Friend or Foe, as it appears, could be made a Delinquent, they furnished a sure and almost inexhaustible Resource.

(h) The Peers averaged this month 10; namely, 5 Earls, 1 Viscount, 4 Barons. The highest and lowest numbers of Earls and Barons present were 7 and 3.

Divisions of the Commons in *April* are 37-23; 59-35; 74-71; 82-79; 114-90.

1648.

A. N.

24

(one deceased), and for Redding and Abingdon. (two deceased.)

May 8. In the *Lords*, Liberty is given to all Lords to enter their Dissents when they please.

May 10. Writs are *Ordered* for Bewdley and Quinburgh, (two disabled.)

May 11. "The Houses take notice and very much resent the unusual Address of the Parliament of Scotland, it being not the style which hath been and is used to the Houses of Parliament."

May 16. "A Petition of divers thousands Knights, Gentry, Freeholders of the County of Surrey," is a second time brought in.

"They enforced the Guard, knocked down the Soldiers and gave out words, that they would have a speedy and satisfactory answer, or else the blood of this House."

May 17. A Committee is appointed to inquire as to the Authors, Contrivers and Printers of the Engagement, &c., of the Grand Jury and others of Essex.

May 18. The *Commons* receive a Report of Designs against the Parliament, &c., by Forces listed under an Oath of Secrecy.

May 19. Sir H. Waller complains of the disaffection of Devon and Cornwall and that his Forces are ill used.

May 20. The *Houses Declare* against tumultuous Assemblies under pretence of preparing Petitions, and *Order* that all Petitions shall be brought by a number not exceeding 20 Persons, and shall be delivered to the Knights, Citizens, or Burgesses which serve for the County, City, or Borough so petitioning.

May 24. The joint Declaration of the Counties of Kent, Essex, Middlesex and Surrey, is referred to a Committee to discover the Printer, Contriver and Promoter.

May 26. The County of Surrey desires an Answer to their Petition of the 16th, and Justice upon those who committed a bloody Murder and other Outrages upon the Petitioners when their Petition was presented.

Report is made of *INSURRECTIONS* and *CONSPIRACIES* in the adjacent Counties, "*for the preservation of the true Protestant Religion, the just Rights and Prerogatives of the King's Majesty, and his Successors, and the just Rights and Privileges of his Subjects.*"

May 29. "The Captains of the Fleet having put out Vice Admiral Rainsborow from being Admiral," an Ordinance is made that the Earl of Warwick shall succeed him. (i)

June 3. The *Commons Resolve*, "*That they will proceed no farther upon the Impeachment against the Seven Lords, the late Lord Mayor, the 4 Aldermen, Sir J. Maynard, Knight, and others.*"

June 7. The Burgesses, Assistants, Gentry and other Inhabitants of Westminster, petition that John Glyn, esq., whom they had elected for their Burgess, may be admitted to his former liberty to sit and serve as a Member.

Resolved. The Order against him to be *revoked*.

June 8. Information is received of Insurrections in Rutland and Lincolnshire.

The *Commons Revoke* their Orders for disabling 9 Members.

June 9. A Petition from Sussex desires a Personal Treaty.

(f) The Peers present this Month averaged only 9, viz., 5 Earls, 4 Barons, and occasionally one Viscount. The highest and lowest number of Earls and Barons was 7 and 3 and 7 and 1.

Divisions in May, 127-76; 98-58; 91-67; 97-79; 84-63; 51-32; 109-86; 75-62; 67-45; 67-57; 75-59.

June 10. Lord Maynard is allowed Privilege in a Chancery Suit. 1648.

Mr. Charlton, a Member, claims Privilege, his Doors having been broken open, and his Ward conveyed away, sitting the House. A. R. 24

June 14-15. Writs are Ordered for the Boroughs of Fowey and Beawdley.

June 16. The Earl of Middlesex is allowed Privilege in a Suit of his Mother against him.

The Earl of Mulgrave's Solicitor is allowed Privilege.

June 17. The Lords reject the Commons' Votes, reciting the Declaration of the 20th May, 1642, "That it appears the King, seduced by wicked Counsels, &c."

June 21. The Commanders of Ships in the River petition for a Personal Treaty.

The Commons Order Mr. Speaker to issue warrants for breaking open Doors where resistance is made, in apprehending Delinquents.

June 27. The Lord Mayor, Aldermen and Common Council of the City of London, petition for a Personal Treaty, &c.

They receive the Thanks of the Commons

June 29. Petitions are received from the Freemen, &c., of Guildford, the Borough of Reading, the Mayor, &c., of Newcastle upon Tyne, the Masters of the Trinity House, for a Personal Treaty.

June 30. The Lords Resolve "THAT THE VOTES OF THE 3RD OF JAN., 1647, FORBIDDING ALL ADDRESSES TO BE MADE, TO OR FROM THE KING, SHALL BE TAKEN OFF."

Also—"That the Propositions to be granted by the King before a Personal Treaty be begun, SHALL NOT BE INSISTED ON." (k)

July 3. (Monday.) The Commons Resolve, by 72 against 66, and by 80 against 72, "That three Propositions for settling Church Government, for settling the Militia, and for recalling all Proclamations and Declarations against the Parliament, shall be sent to the King, and be by him assented to, and signed with his own hand, in Order to the Treaty."

July 5. The Lords adhere to their former Vote; and think fit that London be the Place where a personal treaty shall be held with the King.

The Officers of the London Militia petition that the King may come to London.

July 7. The Duke of Bucks and Earls of Holland and Peterborough send their Reasons for taking up Arms.

The Commons Resolve, that they are Traitors and Rebels, and that their Estates shall be sequestered.

July 8. Resolved in the Commons, "The Estates to be sequestered of all engaged in the late Kentish Insurrection."

July 10. The Commons Resolve, that a printed Paper, "A Motive to all Loyal Subjects to endeavour the preservation of His Majesty's Person," is a malicious and scandalous Libel.

Petitions are received from Lambeth, Westminster, the Hamlets of the Tower, and Southwark, for a Personal Treaty.

A Report is made as to a Revolt in the Fleet.

(k) The average attendance of Peers in June was 10. The highest number of Earls was 9 and the lowest one, and of Barons the numbers were 9 and 1. One Viscount was present on 12 days.

Divisions in the Commons were 84-54.

1648.

A. R.

24

July 11. The Earl of Lyncolne protests against an Ordinance for Martial Law in Chester.

July 12. "The Lords receive a Petition from Divers thousand Magistrates, Ministers, Citizens, &c., in and about London, for Peace, &c."

The Lords and Commons heartily thank the Petitioners.

July 14. The Commons Resolve, that the Forces coming out of Scotland in a hostile manner, under Duke Hamilton, without the Authority of Parliament, are Enemies to the Kingdom of England.

July 15. The Commons Resolve, "THAT THE THREE PROPOSITIONS BEING GRANTED, then the Houses of Parliament will treat with His Majesty in Person, ON THE PROPOSITIONS OFFERED AT HAMPTON COURT.

July 18. The Watermen of the River Thames petition for a Personal Treaty.

The Lords Negative the Commons' Resolution as to the Scots' Forces. Some Lords protest.

July 20. The Lords Resolve to adhere to their Vote, "not to insist on the three Propositions;" notwithstanding the Reasons given by the Commons, at a Conference. (l)

July 27. Sir John Glanville, Knight, Serjeant-at-Law, is discharged.

July 29. It is Ordered by Lords and Commons, &c., "That a Treaty be had in the Isle of Wight with the King in Person, by a Committee appointed by both Houses, upon all the Propositions presented to him at Hampton Court, which Treaty is to be transacted with Honour, Freedom, and Safety to His Majesty." (m)

August 1. (Tuesday.) Lord Howard of Escricke is allowed Privilege, being assessed for Horses. An Ordinance is made to exempt Peers.

The Lords Negative a Vote, That those who invited the Scots are Traitors. Of Eleven Peers, five enter a Protest.

Col J. Lylbourn is released. (n)

Aug. 7. Petitions are received from the Reduced Officers and from the Common Council.

Aug. 18. The Commons Negative a Vote of the Lords, "That the Scots be invited to send some Persons to treat," and also the Question, "that the King, if he please, may invite the Scots to send some Persons."

Aug. 24. The Lords Order, "That out of a desire to expedite

(l) See Lords' Journals, X. 386, for these reasons of the Commons, which supply an admirable satire upon their own Proceedings.

(m) Divisions in July were 72-66; 80-72; 53-42; 48-35. The average number of Peers present was 11. Of Earls, the highest number was 9, and the lowest 4. The highest and lowest of the Barons was 8 and 2. No Viscounts attended.

(n) August 1. Major Robert Huntingdon gives an account of the King's being carried from Holdenby, "by Orders of Lieutenant-General Cromwell."

He states that General Cromwell maintains openly these four principles:—

(1) That every single Man is Judge of just and right as to the good and ill of a Kingdom.

(2) That the Interest of honest men is the Interest of the Kingdom, and that those only are honest men, who are conformable to his Judgment and Practice.

(3) That it is lawful to pass through any forms of Government for the accomplishing of his ends; and therefore either to purge the Houses, and support the remaining Party by force everlastingly, or to put a period to them by force, is very lawful and suitable to the Interest of honest men.

(4) That it is lawful to play the Knave with the Knave.

a speedy, safe and well grounded Peace, their Lordships recede from their former votes and concur with the Commons." 1618.

Aug. 31. The Commons Resolve to Impeach George, Lord Goring, and Arthur, Lord Capell. A. H. 24

"The Committee for scandalous Pamphlets" are ordered to attach the Printer of a falsely lying Pamphlet touching the Victory at Sea. (o)

Sept. 5. (Tuesday.) The Commons Resolve, That Members who are defaulters at the next Call, shall pay £20 before they come to sit.

Sept. 11. The Lords desire a Conference, "Their Messengers having been detained five hours in expectation of an Answer, and having often waited three or four days together, to deliver a Message, they desire a course for preventing the like obstruction in future."

Sept. 20. A Writ is Ordered for Steyning, (a Member deceased.) (p)

October 2. (Monday.) The Lords' House is called. The Earl of Manchester, Speaker, Earls Kent, Mulgrave, Lyncolne, Nottingham, Suffolk, Denbigh, Lord Viscount Hereford, Lords North, Howard, Grey, Maynard, Hunsden, Dacres, are present. Seventeen Lords are set down as absent, ten of them having Excuse.

Ordered. A Call this day Se'nnight, with a Penalty of £50.

Ordered. No business shall pass this House, which concerns a Peer of the Realm, before he hath notice of it from the House.

Oct. 9. The Lords' House is called. Sixteen Peers are present, viz., The Earl of Denbigh, Speaker, Earls Mulgrave, Suffolk, Kent, Lyncolne, Nottingham, Rutland, Lord Viscount Hereford, Lords Howard, Bruce, North, Hunsden, Maynard, Dacres, Berkley, Grey.

Of Six declared Absent, four are excused.

Oct. 11. Resolved in the Commons, That the Answer of the King (this day received) on the Proposition concerning the Church is not satisfactory.

Oct. 21. The King having sent Four Propositions to his two Houses, the Lords Resolve to agree to them, and that they shall not be binding, if the Treaty is not concluded, but breaks off.

Oct. 26. The Commons Resolving that a Second Answer of the King on the Bill and Ordinances for Abolishing Bishops, &c., is not satisfactory, the Lords offer "an Expedient," to reconcile these differences.

Oct. 27. The Houses assign the particulars wherein their main dissatisfaction resteth. (1) The King doth not utterly abolish Bishops, but only suspendeth their function as to Ordination for three years, &c. (2) The King's answer on the taking away the Book of Common Prayer, wherein he desires to continue the use thereof for himself and his Household until another Public Form shall be agreed on by His Majesty and his two Houses, is unsatisfactory. (3) His Majesty's Answer concerning confirming by Act of Parliament the Articles of the

(o) The average number of Peers present in August was 9. The highest number of Earls was 2, and the lowest 2; and of Barons the respective numbers were 5 and 1. One Viscount attended on eleven days.

Divisions in the Commons were 65-59; 53-34; 95-91; 95-89; 39-25; 33-19.

(p) In September, the Peers averaged 8. The number of Earls varied from 9 to 3, and of Barons from 5 to 1. One Viscount was present on three days.

Divisions in the Commons were 60-41; 63-58; 33-15; 49-30; 47-20.

1648.
A. D.
24.

Christian Religion is not satisfactory. (4) The House cannot admit and consent to any exemption as to the Mass for the Queen and her Family, and his Majesty's answer is unsatisfactory.

Oct. 30. The *Lords* abandon their own Votes on the Propositions. The Earl of Lyncolne and Lord Maynard protest.

Oct. 31. The *Commons Resolve*, That the King's Answer is unsatisfactory in all the Clauses thereof, except his Consent that all Persons who have assisted the Rebellion in Ireland, shall have no Pardon (g)

Nov. 8. The *Commons* having excepted 7 Noblemen and others, *Resolve*, by 100 to 67, That no more Persons shall be presented for Exception, as far as Life, under the General Pardon.

Nov. 10. The *Lords* appoint a Committee to peruse all the King's Papers, and desire the *Commons* to join them, that the Houses may consider wherein the King's Concessions come short of our desires.

The *Commons Resolve* to banish George, Lord Goring, Lord Capell, and the Earl of Holland, Sir Henry Lingens, Henry Hastings, esq., now called Lord Loughborough, Major General Rowland Langhorne, and Sir John Owen.

The Question as to Lord Willoughby of Parham, is negatived by 49 against 33.

The Question as to Sir John Bois is also negatived.

Resolved. James, Earl of Cambridge (Duke Hamilton) shall be fined £100,000, and be imprisoned till the fine is paid.

Nov. 11. A Writ is *Ordered* for Chippenham, (Sir. E. Hungerford, deceased.)

Resolved. His Majesty's third answer concerning Bishops and Church Government is unsatisfactory.

Resolved, His Majesty's Answer, "That where really in conscience he is not satisfied, he hopes his two Houses will not put further pressures of so tender a nature upon him, when it is most likely time and debate will happily reconcile all differences," is not satisfactory.

Nov. 15. The *Commons Resolve*, on the King's Propositions, "That after he shall have consented to the desires of the Two Houses, and ratified the same by Act or Acts of Parliament, his Revenues, &c., &c., shall be secured."

The *Lords* considering their Privileges affected by the *Commons'* vote for banishing the three Lords, send down an Ordinance of their own to the same effect. The *Commons reject* it, and *Order* an Ordinance for banishing the Lords and *Commons*, as formerly voted.

Nov. 18. Writs are *Ordered* for Westlowe, Droitwich, East Redford, Canterbury, Southton, (Members deceased.)

Nov. 20. The *Commons* receive a Remonstrance from His Excellency the Lord General and his General Council of Officers, addressed "to the Right Honourable the *Commons* of England, assembled in Parliament."

Nov. 24. The King's final Answer on Church Government is received. His Majesty concludes his Refusal, "WHAT IS A MAN PROFITED, IF HE SHALL GAIN THE WHOLE WORLD AND LOSE HIS OWN SOUL."

(g) In October the Peers averaged 10. The number of Earls varied from 7 to 8, and of Barons from 2 to 3. One Viscount attended on eight days.

Divisions in the *Commons* were 39-37; 34-34; 48-27; 41-24; 56-53; 89-81; 80-57.

The Commons Resolve, That the Earl of Arundell shall be 1648,
 pardoned on a fine of £6000, besides £5000 which were assigned A. R.
 by the late Earl for payment of his debts, and have been made 24
use of by the Parliament.

Nov. 30. On a Vote in the Lords for banishing the three Peers, Lords Mulgrave and Hunsdon protest.

"His Excellency the Lord General and the General Council of Officers present a Remonstrance on the dangers and evils of the present Treaty, desiring among other things, "That the Person of the King may be proceeded against in a due way of Justice. (r)

December 1. (Friday.) A Letter is read from Lord Fairfax to the Common Council, "He is coming to London, and desires them to provide £40,000."

Dec. 4. On the Question, "whether the Question shall be put that the King's Answers are satisfactory," The noes are 144, yeas 93.

Mr. Prynne speaks for several hours in defence of the King's Answers, "as granting whatsoever could be well desired for the present settlement and future Security of the Commonwealth or State; yet, far more than our Ancestors, or any subjects in the Christian World enjoyed or desired of their Kings, for their security and for preservation against their armed Power, or legal Prerogatives." (s)

Dec. 5. The Commons Resolve, by 129 against 83, "That the Answers of the King are a ground for the House to proceed upon for the settlement of the Peace of the Kingdom."

Resolved. A Committee to confer with the General, to preserve a good Correspondence between the Parliament and Army.

Dec. 6. Report is made that divers Members are forcibly staid from coming to the House, and are carried to the Queen's Court, or Court of Wards.

Messengers from the Lord General convey "The humble Proposals and desires of His Excellency Lord Fairfax and the General Council of Officers, in order to a speedy Prosecution of Justice, &c."

Dec. 7. The House informs the Lord General of the detention of their Members, and desires their discharge. (t)

The Lord General refuses, "till the Resolutions of the House upon his Paper of yesterday be sent."

Resolved. The House to proceed with the Propositions of the Army.

Dec. 13. The Commons Resolve, "That whereas (17th Aug., 1648) this House did concur with the Lords to revoke and take off certain Votes, this Vote of Revocation was highly dishonourable to the Proceedings of Parliament, and apparently destructive to the good of the Kingdom."

Resolved, The Vote of 28 July, 1648, "That a Treaty be had in the Isle of Wight, was highly dishonourable," &c. &c.

Resolved, "The several Votes of 10 November, concerning the

(r) In November the Peers present averaged 10. The number of Earls varied from 7 to 3; and of Barons from 8 to 2. One Viscount attended 15 times.

Divisions in the Commons were 82-55; 77-53; 56-39; 68-48; 49-45; 52-19; 49-33; 45-35; 76-54; 134-36; 94-60; 125-58.

(s) This Speech of Mr. Prynne is given in Cobbett's Parl. Hist. III, 1152-1159. It was printed at the time, and a Fourth Edition appeared in the following month, January, 1649.

The Debate on this important Question commenced on Monday Morning, (Dec. 4) was continued through the whole day and following night, till 9 o'Clock on the morning of Tuesday, the 5th. Mr. Prynne's Speech seems to have determined the vote of the following day.

(t) The whole number of Members restrained by the Army, on account of the vote of Dec. 5, was 143; of whom 47 were imprisoned, and 96 "secluded."

1648.
A. R.
24

banishment of Lords Goring and Capell and the Earl of Holland, are derogatory to the Justice of the Kingdom, and are hereby revoked."

Resolved, that the Vote of 10 November, for a fine of £100,000 on James, Earl of Cambridge be revoked, and he be left to Justice.

Ordered. A Committee to consider how to avoid the Election of Malignants, &c. &c.

Resolved. "The Vote of August 2, to treat with his Majesty, was destructive to the Peace of the Kingdom, and is hereby repealed."

Resolved. The Vote of December 5, "That the Answers of the King are a ground, &c., is highly dishonourable to Parliament."

Dec. 14. The Lords appoint the Earl of Denbigh, as Speaker.

Ordered. The Lord General to provide a Guard for the Houses of Parliament.

The Commons *Resolve*, by 85 against 18, that a Committee shall be sent to the General to know upon what grounds the Members are restrained, &c., by the Officers and Soldiers of the Army.

Dec. 15. A Solemn Protestation is brought up of the Members of the Commons' House imprisoned and secluded on the 6th and 7th of December, declaring against any Proceedings adopted in that House during their Seclusion, "That all Acts, &c. &c., made since the 6th, or hereafter to be made, during their Restraint and forcible Seclusion from the House, and the continuance of the Army's force upon it, are no way obligatory, but void and null to all intents and purposes."

The Lords and Commons do declare the said Printed Paper to be false, scandalous, seditious, and tending to destroy the visible and fundamental Government of this Kingdom, and they do Order and Ordain that the said Printed Paper shall be suppressed, and that all Persons who have had any hand in it are adjudged incapable to bear any Office, or to sit as Members of either House of Parliament; and farther that every Member shall disavow and disclaim his having had any hand in it."

Dec. 16. An Ordinance repeals the former Order on the Militia.

Dec. 20. The General Answers the Commons. "He would prepare an Answer, and in the mean time desires the House will not trouble themselves to send any more to him therein."

Dec. 23. The Lords Order, "That all Lords being within 20 miles, shall peremptorily appear in the House of Peers on Thursday, the 28th, to attend the great Affairs of this Kingdom, relating in an extraordinary manner to all the Peerage of England. Present in the House, "The Earl of Denbigh, Speaker, and 4 Earls."

The Commons *Resolve* "That a Committee shall be appointed to consider how to proceed in a Way of Justice against the King and other Capital Offenders."

Dec. 28. The Earl of Lyncolne has Leave of absence till the first of March.

The Lords present are the Earl of Denbigh, 5 Earls, and 3 Barons.

Dec. 29. The Peers present are the Earl of Denbigh, Earls of Pembroke and Kent, and Lord Grey. (u)

1649.
A. R.
24

January 1. (Monday) *Resolved*. "The ——— and Commons in Parliament assembled do declare and adjudge, that, by the fundamental Laws of the Kingdom, it is Treason in the King of

(u) In December, the Peers present averaged 6. The highest and lowest number of Earls was 10 and 1, and of Barons 7 and 1. No Viscount attended.

Divisions in the Commons were 133-102; 44-33; 132-102; 126-102; 124-113; 144-35; 129-83; 60-28; 35-18; 32-19.

England to levy War against the Parliament and Kingdom of 1649.
England."

This Resolution is sent up to the Lords, together with an Ordinance "for erecting a High Court of Justice for the Tryal of the King."

A. B.
24

Jan. 2. In the House of Lords are present the Earl of Denbigh, Speaker, the Earls of Northumberland, Pembroke, Mulgrave, Rutland, Kent, Manchester, and Lords North, Hunsdon, Maynard, Dacres and Berkeley.

On the Question, Whether to put off the consideration of the Commons' Vote, "That by the fundamental Laws, &c?" it is Resolved in the Negative.

On the Question, Whether to agree to this vote? it is Resolved in the Negative, *nemine contradicente*.

On the Question, "Whether the Ordinance shall be cast out?" It is Resolved Affirmatively, *nemine contradicente*.

The House adjourns to this day Se'nnight.

Jan. 3. The Commons Order, "That the several Members of this House, and others appointed by this House to act in any Ordinance, wherein the Lords are joined, ARE HEREBY IMPOWERED AND ENJOINED TO SIT, ACT AND EXECUTE, &c., NOTWITHSTANDING THE LORDS DO NOT JOIN WITH THEM."

Ordered. A Committee to prepare an Ordinance for the Tryal of the King; also, a Committee to consider a way for CARRYING ON PUBLIC JUSTICE ACCORDING TO THE LAWS OF THE KINGDOM."

Jan. 4. Ordered, The Door of the House to be shut, and no Members to go out.

An Answer is received from the Lord General as to the Secluded Members. (v)

Resolved. "The Commons of England in Parliament assembled, do Declare, that the People are under God, the original of all just Power, and that being chosen by and representing the People, they have the Supreme Power of the Nation: that whatsoever is enacted or declared for Law by the Commons in Parliament assembled, hath the force of Law and all the People of this Nation are concluded thereby, although the consent and concurrence of the King or House of Peers be not had thereunto."

Ordered, A Committee to go to "Mr. Pryn," to know if he will own and avow a scandalous Book or Pamphlet, "A brief Memento to the present Unparliamentary Juncto, touching their present Intentions and Proceedings to depose and execute Charles Steward, their lawful King."

Resolved. Henry Scoble, Esq. is hereby appointed Clerk of this House, in place and stead of Henry Elsyng, Esq.; and Ralph Darnell, Esq., as Clerk Assistant.

Jan. 6. "Mr. Prinn" returns for answer, "I will give no answer until I am commanded by a lawful Authority."

Jan. 8. Resolved, That the Ordinance for erecting a High Court of Justice, &c., be enacted, and have the force of a Law, and that the Clerk do indorse the same accordingly.

Jan. 9. In the Lords' House, are present the Earl of Denbigh, Speaker, 4 Earls and 2 Barons.

The whole are appointed a Committee to prepare an Ordinance "That whatsoever King of England shall HEREAFTER levy War

(v) See this Answer in the Journals.

1349.

A. R.

24

against the Parliament and Kingdom of England, shall be guilty of High Treason and be tried in PARLIAMENT."

The House adjourns till cras, 10^a Aurorâ.

Jan. 10. The Speaker, one Earl and one Baron meet and adjourn till "10^a cras."

The Commons Resolve, "Mr. Pryn, by his answer, hath disowned the Authority of this House, and that he besent for in Custody, &c."

Jan. 11. The Speaker, two Earls and one Baron adjourn till Saturday, 13.

Report is made that the Servant to the Serjeant-at-Arms did repair to "Mr. Pryn," and served the Warrant upon him, who gave answer that, upon the 6th of Dec., he was taken by Colonel Pryde and Sir Hardres Waller, and by them imprisoned, he knew not for what cause, that he yet remains under that restraint, and therefore could not come upon that Warrant."

Jan. 13. Three Earls and one Baron are present in the House of Lords.

Jan. 16. Three Earls and one Baron are present in the Lords' House and adjourn till Thursday, "10^a Aurorâ."

Jan. 17. "The Petition of the Officers and Soldiers of different Garrisons with many public spirited Persons of those Places and Parts adjacent," is answered with *Hearty Thanks*; as is, also, one "of divers well affected of the Town of Ipswich."

Jan. 18. Three Earls and one Baron attend the House of Lords.

On Question in the Commons, Whether the Lords' concurrence shall be desired to the votes of Jan. 4, the Noes are 25, Yeas 18.

Jan. 20. The same Peers meet and adjourn till Monday 10^a Aurorâ.

The Commons return *hearty Thanks* on a Petition from the General and the General Council of Officers.

Jan. 22. The same Peers meet and adjourn.

Jan. 23. The Commons Resolve, "That the Style to be used in all Writs, &c., shall be *Authoritate Parlamenti Angliæ*."

Jan. 25. The Peers meet and adjourn.

Jan. 27. The Commons Order that the Clerk of the High Court of Justice be required to bring into this House the *Record of the Judgment this day given against the King*."

Jan. 29. The Earl of Denbigh, Speaker, 3 Earls and one Baron are present in the Lords. The Lords in Town are ordered to be summoned To-morrow at nine.

The Commons pass an Act for Repealing several Clauses in the Act 25 Edw. III. and others, as to Offences to be adjudged Treason.

The Ambassadors Extraordinary from the States have Audience.

1649.

A. R.

Car. II.

1

January 30. (Tuesday.) Three Earls and one Baron are present in the Lords' House.

Ordered. The Judges and Lords in Town to be summoned for Thursday.

The Commons, P. M., pass an Act prohibiting "the Proclaiming any Person to be King of England or Ireland, or the Dominions thereof." (w)

(w) The Peers present in January averaged only Four. The highest and lowest numbers of Earls and Barons were 4 and 1, and 5 and 1. No Viscount was present.

The only Divisions in the Commons are 31-18; 33-19; 35-18. It is to be remarked, that, during this month, the name of the King is not mentioned in the Journals of Lords or Commons, except that the latter Order, "that Dr. Juxon has leave to continue with the King in private, under the same restraint that the King is."

THE COMMONWEALTH.

February 1. (Thursday.) The Earl of Denbigh, Speaker, the Earls of Kent, Pembroke, Mulgrave, Lords Grey and Howard are present. 1649.
A. R.
Car. 11.
1

The Earls of Kent, Pembroke, Sarum, Denbigh, Mulgrave, Nottingham, Lords Grey, Howard, Mountague are appointed a Committee to join with the House of Commons to consider a Settlement of the Government, &c. Five Lords to be a Quorum. "Mem. The Earls of Sarum and Nottingham and Lord Mountague are named, though absent."

Resolved in the *Commons*, That James, Earl of Cambridge, Henry, Earl of Holland, George, Lord Goring, Arthur, Lord Capell, and Sir J. Owen, be tried in a new High Court to be erected for hearing, &c. Delinquents.

Feb. 2. Report is made to the Lords that their Messengers, sent yesterday, have not been admitted by the Commons.

Feb. 3. The Commons appoint a Committee to examine the Authors of a Book, "A Vindication of the Ministers of the Gospel for unjust Aspersions cast upon their former Actings for the Parliament, &c.;" also, to take Informations of such as have preached or printed the Proceedings in bringing the King to Justice, and to prepare an Ordinance to restrain public preaching, &c. against the Proceedings of this Court and the High Court of Justice.

Feb. 5. The Earl of Northumberland is added to the Committee of Nine Lords, and the Meeting is desired to be To-morrow at 9.

Feb. 6. The Earl of Denbigh, Speaker, the Earls of Northumberland, Kent, Pembroke, Salisbury, Nottingham are present. The House is adjourned till To-morrow. (x)

In the *Commons*, the Question, "Whether this House shall take advice of the House of Lords, in the exercise of the Legislative Power, in pursuance of the votes of the 4th Jan. last," is *negatived*, by 44 against 29.

Resolved, The House of Peers in Parliament is useless, dangerous, and ought to be abolished, and an Act to be brought in for that purpose.

A Committee is appointed to consider how such Persons as have been Committed by the House of Peers alone may be discharged: How the Subjects may have liberty to proceed against the Persons or Estates of Peers and their Servants, for their just Debts, and how far the Peers may be made capable to elect or be elected as Knights or Burgesses: also to make effectual as to the Members of this House and their Servants, the Ordinance for making liable the Estates of Members of this House for payment of their Debts.

(x) This was the last sitting of the Lords, and here ends Vol. X. of their Journals. The next Volume, XI., commences Wednesday, 25 April, 12 Car. 11.

From December 13, 1648, to Feb. 6, 1649, the Earl of Denbigh had sat as Speaker.

1649.
A. R.
Car. II.
1

Feb. 7. It is *Resolved*, "That it hath been found by experience and this House doth Declare, that the office of a King in this Nation, and to have the power thereof in any single Person, is unnecessary, burdensome and dangerous to the Liberty, Safety and the Public Interest of the People of this Nation, and therefore ought to be abolished, and that an Act to this effect be brought in."

Feb. 8. Ordered. The Clerk of this House to subscribe all Acts, &c., as Clericus Parliamenti.

Feb. 9. An Act *passes* to repeal the Clauses in 1 Eliz., 3 Jac., touching the Oath of Allegiance.

An Act *passes* to prevent Printing any of the Proceedings of the High Court of Justice for the Trial of the Earl of Cambridge, &c.

Feb. 12. Ordered. The House to meet every day at Nine, and no Committee to sit after Nine.

Feb. 14. "A Representation of divers Inhabitants of Bucks, with the grounds of their Bondage and Slavery," is *answered*. "This House is *Resolved* to maintain the Liberty of the Subject, and to avoid and prevent whatsoever may tend to Tyranny and Confusion."

Feb. 15. Ordered. The Arms of the late King to be every where taken down, and those of England set up.

Resolved, the Number of Nine of certain Persons named, shall Constitute a Council of State.

On the *Question*, "Whether there shall be a Lord President of the Council," the Noes are 22, the Yeas 16.

Feb. 17. The *Title* of an "Act of this present Parliament for constituting a Council of State for the Commonwealth of England," is agreed to.

Feb. 19. A Writ is Ordered for the County of Bucks (a Member deceased).

"Lieutenant General Cromwell" reports from the "Council of State," that they did meet on Saturday Night, and that 19 subscribed the Engagement; that the Earls of Denbigh, Pembroke, Salisbury, and the Lord General, "take it a great honour to be named by the House of Commons for this Service; that Lord Grey de Warke 'was willing to do any Service commanded by both Houses, but this coming from only one, he desires to be excused,' and that others were not satisfied to subscribe the said Engagement."

Feb. 23. Resolved, This House do agree to sit on Mondays, Wednesdays, and Fridays only, in every week. (y)

March 2. (Friday.) A Petition is received from the General Council of Officers under His Excellency Lord Fairfax. The House gives them hearty Thanks.

March 7. The Countess of Holland and "divers other Countesses and Ladies" attend with Petitions in favour of their Husbands, Earl of Warwick, Lord Goring, James, Duke of Hamilton, under name of Earl of Cambridge, Lord Capell and Sir J. Owen, condemned to die.

The *Question*, "That further consideration be had of these Petitions," is *negatived*, by 38 against 28.

March 8. Ordered. Members of the House not to sit on any Committee in the Morning, on those days the House doth sit, as they will answer the contrary to this House.

(y) The Divisions in February were 36-10; 43-26; 51-26 44-29; 50-25; 28-20; 22-16; 45-22.

Ordered, The Council of State not to sit after Nine in the Morning, on any day the House sits. 1649.

A Form of Writ for the Election of a Knight for the County of Berks is agreed to. (s) A. n. Car. 11. 1

March 10. Ordered. The Clerk of the House, upon the rising of the House daily, to send to the Council of State such *Orders* of the House, as concern them.

March 14. Report is made of Persons presented to be banished and Confiscate, namely, Charles Stuart, eldest Son, and James Stuart, second Son of the late King, and 12 others.

Resolved. All such Delinquents as have been Members of either House of Parliament, all Judges, &c. &c. &c., to pay one full Third of their Estates.

March 17. An Act passes "for Abolishing the Kingly Office in England, Ireland, and the Dominions thereof."

A Declaration for the Satisfaction of the Kingdom, touching the late Proceedings of Parliament, is Agreed to.

Resolved. The Estates of such Persons as neglect to render themselves and submit to their Compositions, to be confiscate to the use of the Commonwealth.

March 19. An Act for Abolishing the House of Peers is assented to.

Ordered. The Committee of Plundered Ministers to consider a Book, "The Agreement of the People called into consideration by the Ministers of the Province of Lancaster."

March 23. Ordered. The Personal Estates of the late King, Queen, and Prince, to be appraised and sold.

March 27. Resolved. The Authors, &c., of a Printed Paper, "The Second Part of England's New Chains discovered" false, scandalous, reproachful, highly seditious and destructive to the present Government, to be proceeded against as guilty of High Treason.

March 28. Resolved. James Earl of Ormond is guilty of High Treason in making Peace with the Rebels of Ireland. (a)

April 2. (Monday.) The Lord Mayor of London, not having Proclaimed the Act for Abolishing the Kingly Office, is sent for. He answers, "His Conscience being charged as it was with several Oaths at and before entering upon his Mayoralty, he could not dispense with it in Proclaiming that Act, and that he hath not done it."

Resolved. That he be discharged, and a New Mayor elected, that he be fined £2000, and committed to the Tower.

April 11. Ordered. A Prosecution by the Attorney-General, against Lieut.-Colonel Lilburne and others, touching the "Second Part of England's New Chains."

April 12. Ordered. A Writ for Town of Carlisle, (Member deceased.)

April 16. Ordered. The Earl of Pembroke and Montgomery returned Knight of the Shire for Berks, to be admitted into the House.

April 18. A Petition is received from "divers well affected Persons of London, Westminster, and Southwark. &c., in behalf of Lieut.-Col. Lilburne, and others."

(s) It commences, "Custodes Libertatis Angliæ, Auctoritate Parliamenti, Vice Comitū Salutem," &c.

(a) Divisions of the House in March were 31-28; 31-30; 31-27; 24-24; 28-31; 26-20; 23-19; 23-16.

1649.
A. D.
CAR. II.
1

Resolved. "That the Petitioners have a Sharp Reprehension."

April 26. An Act passes for settling the Rectory or Parsonage House of Burford, Oxon, and some of the Glebe Land, on W. Lenthall, esq., now Speaker, and his Heirs. (*b*)

May 5. (Saturday.) Resolved. Edward, Lord Howard, chosen and returned a Burgess or Citizen for the City of Carlisle, to be admitted upon that Election.

Resolved. ——— Neville, chosen for Retford (Notts) to be admitted.

May 14. An Act passes, appointing Henry Scobell, esq., Clerk of the Parliament.

May 15. Resolved. In order to the declaring of a certain time for putting a Period to the Sitting of this Parliament, consideration should be had, in the first place, of stating the succession of future Parliaments, and of regulating their Elections.

May 19. An Act declaring and constituting the People of England to be a Commonwealth and Free State, passes, and is ordered to be Proclaimed.

May 23. An Assessment of £90,000 per Mensem is Ordered on several Counties.

May 25. Ordered. Mr. Speaker, in all Letters to Foreign States, to style himself "Speaker of the Parliament of England."

May 28. An Act to enable the Committees of Parliament to administer Oaths, passes in the Negative.

May 31. The House accepts an Invitation to dine with the Lord Mayor, &c., on Thanksgiving day (June 7). (*c*)

June 1. (Friday.) Sir Thomas Soame, an Alderman, not attending the Proclamation for Abolishing the Kingly Office, "because it was against his conscience, and contrary to many Oaths," it is *Resolved*, that he shall be discharged from bearing any Office, &c.

June 4. Ordered. Mr. Frampton Gourdon, Mr. Thomas Hodges, and Mr. Ellis, to be admitted.

June 6. Ordered. The Provost Marshall, by day and by night, to suppress all unlawful and disorderly Meetings of the People.

June 8. The Question, "That none of the Members who have not sat in the House since the Election of 7th Jan., 1648, shall be hereafter admitted to sit in this House, who shall not first acknowledge and assert the just authority of the House, in making the Act for erecting a High Court of Justice for trying and judging the late King," is *Negated* by 27 against 22.

June 11. Ordered. That in order that this House may declare a Term when they think fit to adjourn, it be referred to the Council of State to prepare and present to this House, such things as are necessary and fit to be considered and passed in this House before an Adjournment.

June 22. Ordered. A Warrant, &c., for Abingdon, Haslemere, and for the T. of Lynne (Members deceased).

June 24. Acts are passed against the Licentiousness of the Press and the Pulpit, in seditious and derogatory Expressions touching the Parliament.

June 27. Ordered. A Warrant, &c., for the County of Brecon, (a Member deceased). (*d*)

July 23. Resolved, on the Report of the Committee for Absent

(*b*) Divisions in April were 23-23; 23-21; 31-28; 29-24; 25-22; 25-21.

(*c*) Divisions in May were 26-19; 28-26; 27-27; 32-26; 35-31; 34-33.

(*d*) Divisions in June were 27-22; 30-21; 31-19; 29-19; 23-21; 27-22.

Members, That Sir Peter Temple, Col. Barker, Mr. Piggott, 1619.
Mr. Arthington, Mr. Stockdale, Mr. Harby, Major Brookes, A.R.
Sir Richard Lucy, Mr. Thomas Fell, Sir Roger North, and Car. II.
Lord Herbert, be admitted to this House. (e) 1

Aug. 9. Report is made from the Council of State of an Act against Seditious and Scandalous News, Rumours, and Writings.

August 10. *Resolved*. "The House doth utterly disapprove of the Proceedings of Col. Monek in the Treaty of Cessation with Owen Roe O'Neile, and doth utterly detest and abhor the thoughts of any closing with any Party of Popish Rebels who have had their hands in shedding the innocent blood there: the House is however content the further consideration thereof as to him be laid aside, and shall not at any time hereafter be called in question."

Aug. 21. *Resolved*. "The Committee for Tender Consciences" to bring in an Act to admit those who scruple the form of Ordinance now settled.

Aug. 28. *Ordered*. A Warrant &c., for the Borough of Liverpool (Sir R. Wynne, Knight and Baronet deceased).

Aug. 30. *Resolved*. In respect of the greater Charge devolved upon H. Scobell, Esq., Clerk of Parliament, &c., that he have a Salary during Life of £500 per annum.

That Ralph Darnall, Esq., Clerk Assistant, have £200 per annum.

That Edward Birkhead, Esq., Serjeant at Arms, have a Fee of £500 per annum for life, and £250 for entertainment of his Servants.

Report is made of a Table of Fees to be taken by the Clerk of Parliament.

The Question, That every Knight of the Shire returned by the Certificate of the Clerk of the Crown, after the first day of every Session, pay 5s. Fee to the Clerk, is carried by 26 against 21. (f)

Sept. 11. An *Order* is made for the Tryal of the Contrivers, Promoters, Publishers of "An Outcry of the Young Men and Apprentices of the City of London."

Sept. 26. *Ordered*. The Council of State to prepare "a Vindication of the Proceedings of Parliament." (g)

Oct. 10. *Resolved*. The several Judges, &c., that are, or shall be Members of this House, who have accepted, or shall accept of the said Places, shall be discharged of their attendance whilst they execute the said Places.

Oct. 11. *Resolved*. Every Member that doth, or shall at any time sit in this House, shall subscribe his name to this Engagement: "I do declare and promise that I will be faithful and true to the Commonwealth of England, as the same is now established, without a King or House of Lords."

Oct. 12. *Resolved by the Parliament*. "The Style heretofore used, by the Commons in Parliament assembled, shall be no more used, but instead thereof, By the Parliament."

Ordered by the Parliament. That the General, and all Officers and Soldiers, Lords Commissioners, Chief Justices, Lord Mayor, &c., all Heads of Colleges, &c. &c., do subscribe the Engagement.

Oct. 24. *Ordered by the Parliament*. The Authors, &c., of "Anarchia Anglicana," to be discovered.

(e) Divisions in July were 28-16; 25-16; 25-13; 25-13; 25-21; 25-23; 29-19; 27-13.

(f) Divisions in August were 36-12; 25-19; 25-16; 23-23; 21-17; 26-21.

(g) Divisions in September were 18-17; 20-17.

1649. *Nov. 13* Clement Walker, Esq., the Author, is committed to the Tower. (h)
Dec. 4. Resolved. Mr. G. Browne to be discharged, and disabled as a Member, during this Parliament.
Dec. 19. Resolutions are adopted on an Excise of £5 per Cent payable, on the first Buyer from the Importer, on Tobacco, Sugar, Grocery, Mercery Wares, Linen, Upholstery, Leather, Spirits, Wine, and all other Goods and Merchandise.
Dec. 25. Resolved. All the Estates, Real and Personal, of the Lord Willoughby of Parham, to be sequestered.
Dec. 26. Resolved. The Election of Col. J. Lilburne, as a Common Councilman, is null and void. (i)
1650. *January 9.* The Heads of Debate are Resolved on, for the better and more equal distribution of Members to be chosen to serve in Parliament, and for settling the succession of future Parliaments. Several Counties, Cities, and Boroughs to have the several numbers hereafter expressed, to be by them from time to time elected to sit and serve in Parliament, which shall consist in the whole of 400 and not above. (k)
Jan. 11. Ordered. The Provost Marshall to apprehend Persons who beg or behave disorderly about the Parliament Doors.
Jan. 30. Ordered. The Stile and Title of Address from Foreign States, to be "The Parliament of the Commonwealth of England."
Feb. 1. (Friday.) Resolved. A Book by One Coppe, "A Fiery Flying Roll, &c.," to be every where seized and burnt.
Feb. 11. Resolved. To proceed to the Election of a Council of State for next Year; the number to be 41.
Feb. 14. The Question that the best way of Electing Members is by a Balloting Box, is negatived by 61 against 24.
Feb. 20. The Clerk Reports 108 Members present. (l)

(h) Divisions in October were 22-16; 22-19; 20-17; 35-21; and in November, 26-31; 20-17.

The new Form, "Resolved and Ordered by the Parliament," after the 8th of November, is gradually dropped, and recurs only occasionally.

(i) Divisions in December were 28-25; 35-15; 32-26.

| | | | |
|--|----|-------------------------------|----|
| (k) County of Bedford and all Places within the same | 6 | County of Northumberland, &c. | 8 |
| County of Bucks | 9 | Oxford | 6 |
| Berks | 6 | Rutland | 2 |
| Cornwall | 10 | Stafford | 6 |
| Cumberland | 4 | Salop | 8 |
| Cambridge | 8 | Surrey | 7 |
| Chester | 5 | Southampton | 13 |
| Derby | 5 | Suffolk | 16 |
| Devon | 20 | Somerset | 14 |
| Dorset | 8 | Sussex | 14 |
| Duresme | 4 | Westmorland | 3 |
| Essex | 14 | Wiltes | 11 |
| Glocester | 8 | Warwick | 7 |
| Hartford | 6 | Worcester | 7 |
| Hereford | 6 | York | 24 |
| Huntington | 4 | Anglicey | 1 |
| Kent | 18 | Brecknock | 2 |
| Leicester | 6 | Cardigan | 2 |
| Lincoln | 15 | Carnarvon | 1 |
| Lancash're | 12 | Denbigh | 2 |
| Middlesex (except the City of London) | 6 | Flint | 1 |
| City of London and Liberties thereof | 7 | Glamorgan | 3 |
| Norfolk | 14 | Merioneth | 1 |
| Northampton | 8 | Monmouth | 3 |
| Nottingham | 6 | Montgomery | 2 |
| | | Pembroke | 3 |
| | | Radnor | 2 |

(l) Divisions in January were 40-24; 37-36; and in February 31-24; 43-42; 44-42; 38-32, 40-34; 45-35; 61-24; 37-31; 31-14; 54-44; 56-20.

March 28. Resolved. Commissioners be named for erecting a High Court of Justice. 1650.

April 9. Resolved, The Council of State to give an account of their Proceedings touching the Militia. A. R. Car. 11. 2

April 17. Resolved, upon a Petition from the City of London, That the scope of it is to bring scandal and reproach upon the just and necessary Laws and Proceedings of Parliament, and that it be referred to the Council of State. (m)

May 31. The Petition is received of "Divers Ministers, sequestered out of their Livings, to the utter undoing of themselves, their Wives, and Children."

June 25-26. Resolved. That the Door shall be shut and the Room cleared. (n)

An Act passes for Repealing the Ordinance constituting the Lord Fairfax Captain General and Commander in Chief, (on his Resignation) and appointing Oliver Cromwell, Esq., in his Place.

June 2. A form of Oath is adopted to be taken by the Clerk of Parliament. (o)

July 13. By Report of the Clerk, 78 Members are present.

July 24. Resolved. Henry Stuart, 3d son, and Lady Elizabeth, daughter of the late King, to be removed beyond Seas.

July 25. Resolved. The Estates of the Earl of Cleveland and others to be sold.

August 2. Resolved. In case of Bribery by any Member, such witness as shall give testimony shall not be damnified, except in case, or practice, of Perjury.

Resolved. Any Committee to examine Matters of Bribery, to have power to examine upon Oath.

Aug. 23. Resolved. The Fine upon the Earl of Northampton to be £14,153 : 16 : 8. (p)

Sept. 11. Resolved, the Lady Elizabeth being deceased, Henry Stuart to be sent to the University of Heidelberg.

Sept. 27. Resolved, A Book, "The Single Eye," to be burnt, &c.

Oct. 15. An Act passes for the Sale of the Manors of Rectories and Glebe Lands, late belonging to Archbishops, Bishops, Deans, &c.

Oct. 17. The Council of State reports the disobedience of many Ministers to the Acts and Orders of Parliament.

Oct. 25. Ordered. All Books of the Law to be put into English, and all Writs, &c. &c., to be in English, and written in an ordinary and legible hand. (q)

Nov. 20. Colonel Hugh Rogers is admitted a Member to sit.

Nov. 26. Resolved. Mr. Richard Edwards, of Bedfordshire, to come into the House, and attend the Service of Parliament.

Dec. 12. Resolved, on the Report of the Proceedings of the High Court of Justice for trying and judging Charles Stuart,

(m) Divisions in *March* were 33-19 ; 34-20 ; 34-23 ; 25-25 ; 27-23 ; and in *April* 29-24 ; 22-16 ; 22-14.

(n) During all these times, the Door of the House was shut till 12 or 1 o'clock, and none of the business of the House allowed to transpire.

(o) Divisions in *May* were 24-14 ; 18-18 ; 21-13 ; 22-18 ; 31-18 ; and in *June*, 33-29 ; 31-15.

June 7. An Act passes against Painting, Black Patches, and immodest Dresses of Women.

(p) Divisions in *July* were 27-27 ; 29-24 ; 27-26 ; 32-15 ; 31-29 ; 32-17 ; 32-30 ; 32-15 ; 41-31 ; 41-35 ; 40-36 ; 42-23 ; 25-21 ; 32-10 ; and in *August*, 21-18.

(q) Divisions in *September* were 24-12 ; 29-16 ; and in *October*, 26-23 ; 27-18 ; 41-21.

1650

A. R.

CAR. II.

2

1651.

King of England, That the Persons intrusted have discharged their Trust with great Courage and Fidelity. (r)

January 1. (Wednesday) Resolved by the Parliament, Ambassadors, &c., to be admitted to Public Audience in the Parliament, so often as the Parliament think fit, and that the late Lord's House be the Place.

Jan. 22. An Act passes for a Seal of the Parliament of the Commonwealth of England.

Jan. 31. Ordered. The Authors of Divers Books to be attached.

A. R.

3

Feb. 5. The new Council of State (41) is appointed.

Feb. 14. A Committee is appointed to consider of Accommodations of Lodgings for Members of Parliament in Whitehall, and of removing all unnecessary Persons out of Whitehall.

Feb. 22. Resolved, Mr. John Fry, Author of the "Accuser Shamed," and "The Clergy in their Colours," to be disabled as a Member, and the Books to be publicly burnt.

May 1. (Tuesday.) Resolved. Every Order that shall be made by any Committee of Parliament, shall be from henceforth signed by so many at the least of the Members, as are the Quorum.

May 30. Resolved by the Parliament, that Wednesday, the 4th of June, be set apart for Solemn Seeking the Lord.

June 18. Report is made on converting Duresme College, to a College, or School, for all the Sciences of Literature.

June 25. Resolved, That Lord Howard of Escreeck, found guilty of Bribery, be discharged, and for ever disabled to sit in Parliament, or bear any Trust in the Commonwealth; that he be fined £10,000, and be committed to the Tower. (s)

Sept. 1. (Monday) Resolved by the Parliament, "Whatsoever Persons have, or shall have, 'His Majesty's Declaration to all his loving Subjects,' to bring the same to be burnt by the Common Hangman."

Sept. 25. Resolved by the Parliament, (33 against 26). That a Bill be brought in for setting a time certain for the sitting of this Parliament, and for calling a new one, with such fit Rules, Qualifications, Properties, and other Circumstances, as this Parliament shall think fit, and shall be for the good and safety of the Commonwealth.

Oct. 17. Resolved. Sir Thomas Woodhouse and Mr. Westrow to sit in the House as Members thereof.

Oct. 28. Resolved. Robert Benett, Esq., elected for Porpigan, alias Westlow, to be admitted.

Nov. 12. Resolved. The Serjeant, with the Mace, to go into the Hall, to all the Members of the House, Judges or others, and require their attendance.

Nov. 14. Resolved. It is now a convenient time to declare a certain time for the continuance of this Parliament, beyond which it shall not sit.

(r) Divisions in November were 29-28; 41-22; 39-28; 44-22; 38-23; and in December, 25-15; 21-18; 27-26; 27-28; 33-13; 21-19.

The ordinary Adjournments, for some time past, were from Friday to the Tuesday following.

(s) In January, 1651 the Divisions were 22-21; 23-20; 30-17; 33-14; 30-22; 31-17; 22-21; 26-19; 25-24; 42-29; 45-33; 27-24; and in February, 43-27; 46-34; 38-19; 28-22; 31-19. In March, 32-14; 27-22; 38-18; 34-17; 26-19; 24-20; 19-17. In April, 23-14; 20-18; 30-12; 24-18; 26-18; 22-17; 27-18; 28-19. In May, 33-29; 30-22; 26-22; 26-26; 32-26; 31-23. In June, 23-21; 37-23; 26-25; 39-24; 37-27; 35-23; 36-27; 43-22; 31-14; 30-22; 30-19; 24-19; 24-21; 39-23.

Nov. 19. Resolved. In the Choice of the Council of State for the year ensuing, only 21 shall be chosen of those already Members of that Council. 1651.
A. R.
Car. II.
3

Nov. 24. The Council of State is Elected.

Nov. 26. Resolved. No Person of any Committee of Parliament, or of the Council of State, to be in the Chair of that Committee longer at once than one Month.

Resolved. Colonel Richard Horton to be admitted to sit.

Nov. 27. Resolved. The Ordinance of Parliament against Edmund Waller, Esq., (4 Nov. 1644) to be revoked, and he have liberty to come to England.

Dec. 19. The Parliament receives the States' Ambassadors. (r)

Jan. 15. Resolved. A Petition of Joseph Primatt, Leather Seller, charging Sir A. Haselrigg with oppression, &c., is a high breach of Privilege of Parliament, and to be burnt. Himself to pay £3,000 to the Commonwealth, £2,000 to Sir A. Haselrigg, and £2,000 to the Commissioners. He is committed to the Fleet. 1652.

Lieut.-Col. John Lilburne who did disperse this Petition to pay £1000, and be banished.

Jan. 16. Another Printed Book of Lieut.-Col. Lilburne's to be burnt.

Jan. 20. "The Humble Petition of many well affected Persons, &c., highly concerned in the Sentence against Lieut.-Col. Lilburne," is read.

Jan. 27. A Petition is received from the General Council of Officers.

Feb. 4. An Act passes to make void all Titles of Honours, &c., given by the late King since 4th Jan., 1642. A. R.
4

Feb. 24. An Act passes, with many Exceptions, for a General Pardon and Oblivion.

March 19. Resolved, An Act to incorporate Scotland into one Commonwealth with England, and that Scotland, upon this Union, shall have Power to elect Members to serve in the Parliament of England.

April 21. Resolved, Sir John Dreyden to be admitted to sit.

Resolved, on Friday, to consider in what manner the House may be supplied with Members as most for the advantage of the Commonwealth.

April 29. Ordered, A Committee to consider a Competent Maintenance for a godly and able Ministry, in Lieu of Tithes.

May 11. Resolved, Mr. Gregory Clement to be discharged as a Member, for carriage offensive and scandalous to the Parliament.

June 1. A Debate is held touching the Settlement of Ireland.

Resolved, a Clause in the Act, declaring it is their intention not to compel any of the Recusants in this Nation to Worship or to Divine Service contrary to their Conscience. The Yeas are 32 against 29 and 35 against 28.

Resolved, This Proviso shall be added, "That it doth not extend to the allowance of the exercise of the Popish Religion in Ireland in any kind, nor to give any Colour or Countenance thereunto, nor to the least Toleration thereof." (u)

(f) Divisions in *July* were 32-12; 25-24; 21-20; 28-21; 26-21; 23-19; 36-28; 40-22; 38-21; 37-20; 35-27; 29-14; 26-19; 31-15; 27-19. In *August*, 23-21; 28-21; 31-22; 35-13; 27-16; 27-23. In *September*, 31-17. In *October*, 29-19; 29-16. In *November*, 50-46; 49-7; 36-23; 39-16; 40-24; 41-42; 41-42. In *December*, 57-30; 31-27.
(u) Divisions in *January* were 32-24; 41-13; 39-20; 32-27; 28-16; 33-14; 23-23; 37-27; 49-26; 27-18; 33-27; 37-34; 45-33. In *February*, 28-27; 42-29; 54-39; 44-41; 38-35; 42-40; 35-22; 23-24; 37-30; 37-31; 40-36; 43-29; 37-36; 29-27; 36-28; 34-29; 42-11; 48-27; 60-12; 41-31; 41-25. In *March*, 46-16; 45-22; 31-22; 35-21; 30-22.

1652.
A. B.
CAP. III.
4

July 9. *Resolved*, It be referred to a Committee to consider what Cathedrals are fit to stand, and what to be pulled down.

Aug. 27. "The Humble Petition of 1500 distressed Protestants of Ireland, most of them having Families," is received.

Oct. 26. *Ordered*. The Council of State to find out the Authors of "An Answer to the Declaration of the Imaginary Parliament of the Unknown Commonwealth of England."

Nov. 24. Mr. Speaker Reports 122 Members Present. They elect the Council of State. (w)

1653.
A. B.
5

March 9. The House resumes a Debate on a Bill for setting a certain time for the sitting of this present Parliament, and providing for future Parliaments.

March 30. The Debate continues. The Qualification Clauses are adopted.

March 31. Sir Thomas Walsingham, a Member, is allowed Privilege, on Arrest.

April 20. The Debate still continues, and the Question is about to be put, when Oliver Cromwell starts up and vehemently reproaches the Parliament for their tyranny, ambition, oppression and robbery of the Public.

Sir Peter Wentworth saying, "This was the first time he had ever heard such unbecoming language given to the Parliament." Oliver Cromwell continues, "Come, come, I will put an end to your prating. You are no Parliament. I say you are no Parliament. I will put an end to your sitting. Call them in, call them in." (Stamping with his foot, the Soldiers enter.) "For shame, get you gone, give place to honest men; to those who will more faithfully discharge their Trust. You are no longer a Parliament. I tell you, you are no longer a Parliament. The Lord has done with you. He has chosen other Instruments for carrying on his Work. Thou art a Whoremaster: Thou an Adulterer: Thou art a Drunkard and a Glutton: Thou an Extortioner. What shall we do with this Bauble? Here, take it away. It is you who have forced me upon this. I have sought the Lord, night and day, that he would rather slay me than put me upon this work." (Commanding the Soldiers to clear the Hall, he goes out last himself, and ordering the Doors to be locked, departs the House.) (x)

CROMWELL.

July 4. (Monday.) Letters, under the hand and seal of the Lord General had been issued to Members, nominated by a Council of Officers, as a Legislative Assembly.

July 5. Mr. Rous is called to the Chair.

In April, 28-22; 30-21; 40-14; 27-13; 26-13; 19-18; 21-16; 23-17; 23-15; 27-17. In May, 25-24; 33-21; 31-24; 33-22; 37-21; 39-37; 34-32; 32-16; 31-21; 33-16; 45-22. In June, 32-29; 35-28; 26-16; 25-18; 34-15; 30-22; 33-31; 33-29; 35-29; 47-28; 33-28. (w) Divisions in July were, 23-16; 27-18; 39-26; 33-13; 33-14; 34-18; 32-22; 28-24; 35-31; 35-33; 25-21; 23-21; 24-17; 23-21; 21-21; 26-22; 26-15; 31-13. In August, 24-24; 23-20; 31-17; 26-13; 22-18. In September, 29-20; 33-17; 21-17; 21-28. In October, 19-17; 26-12; 24-14; 34-30. In November, 31-20; 35-17; 34-28; 23-23; 34-23; 37-35; 38-36; 49-28; 51-21; 53-22; 23-22; 38-20; 34-19. In December, 28-16; 27-23; 31-28; 22-17; 35-19; 30-18; 29-19; 25-27; 23-20. (x) Divisions in January (1653) were 22-17; 22-18; 19-17; 19-18; 28-26. In February, 25-26; 28-25; 31-29; 36-27; 28-23. In March, 28-26; 24-17; 30-17; 27-13; 19-13; 29-10; 29-16; 19-18; 22-13; 21-17; 27-13; 22-15. In April, 24-12; 22-16. The Journal of the Parliament terminates on Tuesday, the 19th of April.

Resolved. Henry Scobell, Esq., is chosen and appointed Clerk of this House. 1653.

July 6. Resolved, by 65 against 46, the Title of Parliament shall be given to this Assembly. A. R. C. P. II. 5

July 7. Resolved. No Person to be employed or admitted into this House, but such as this House shall first be satisfied of his real Godliness.

Resolved. The Lord General to sit as a Member of the Council of State.

Resolved, To the word, Parliament, shall be added, "of the Commonwealth of England."

Resolved. The Person called to the Chair, shall have the Title of Speaker.

July 8. Resolved, by 59 against 51, That Edward Birkhead, Esq. be Serjeant-at-Arms to this House.

July 9. The House debates on the former Instructions to the Council of State.

Resolved. The number shall be 31.

July 12. Resolved. The Mace shall be made use of as formerly.

July 21. Ordered. No Person to print or publish the Acts or Proceedings of the Parliament, without License.

July 28. Resolved, £400 per annum is a fit and constant Salary for the Clerk of the House, out of which he is to pay all his Under Clerks, except the Assistant Clerk, and a Table of his Fees to be made.

Resolved. The Clerk Assistant to have £100. The Serjeant-at-Arms to have £300, besides Fees.

Aug. 2. "The Petition of divers well affected, &c., of the Cities of London, Westminster, Southwark, &c.," is voted a most high breach of Privilege, scandalous and seditious, and the Six who bring it in, are Committed.

Aug. 5. Resolved, The High Court of Chancery to be taken away.

Aug. 10. Ordered by the Parliament, A High Court of Justice for Trial of Offenders against the Commonwealth.

Aug. 12. Ordered. Mr. Davy to be Clerk Assistant to the Clerk of Parliament.

Aug. 22. Resolved, Members absent without leave to attend this day fortnight to give an Account, &c.

Ordered. The Council of State to examine scandalous, seditious or tumultuous Papers, or words in derogation of the Authority of Parliament.

Resolved. The Council of State, to revise the Acts on Treason, in reference to this present Parliament.

Aug. 30. Ordered. Mr. Rous to take the Chair for a Month.

Oct. 1. General Monck, one of the Admirals at Sea, takes his Place as a Member.

Oct. 10. General Blake (ditto) takes his Place.

Oct. 22. Resolved, No Committee of Parliament, nor the Council of State, to sit after 8 o'clock in the morning, but the Members of this House to meet at 8.

Oct. 31. Resolved, Of the Council of State, 16 shall stand, and 15 be changed.

Nov. 1. One hundred and thirteen Members are present. They elect the Council of State.

Resolved, by 53 against 38, The Council named shall continue for 6 Months.

Dec. 12. It is moved, That the sitting of this Parliament any longer, as now constituted, will not be for the good of the

1653.
A. R.
Car. II.
5

Commonwealth, and that, therefore, it is requisite to deliver up unto the Lord General Cromwell, the Power they received from him.

This Motion is Seconded by several Members and the House rises.

Mr. Speaker, with many Members, departs out of the House to Whitehall, where they, being the greater number of the Members, by a writing under their hands, resign unto His Excellency the said Powers, which Mr. Speaker presents accordingly. (y)

1654.
A. R.
6

September 3. (Sunday.) The (Second) Parliament being summoned by Writ, the Members meet in the Abbey Church, Westminster. At 4 o'clock, P. M., after Sermon, about 300 resort to the Parliament House. His Highness, the Lord Protector, desires their presence in the Painted Chamber. Standing bare, he desires, that this being the Lords' Day, and not to be taken up in Ceremonies, that they will meet him at the Abbey at 9, To-morrow; and after a Sermon, in the same Painted Chamber. (z)

Sept. 4. After Service at the Abbey, the Lord Protector in a full discourse sets forth the condition of the Nation, and what more may be desired to be done for a settled establishment, "which could not be expected or hoped for, either from the Levellers, who would reduce all to an equality, and introduce a Party in Civils, nor from the Sectaries, who would cry down all Order and Government in Spirituals." He then desires them to repair to their House, and choose a Speaker.

In the House, William Lenthall, Esq., Master of the Rolls, sits as Speaker.

Resolved by Parliament, The Clerk to make an Entry that W. Lenthall, Master of the Rolls, was called to the Chair, as Speaker.

Resolved, The Clerk to enter that H. Scobell, Esq. was chosen to be Clerk, and Edward Birkhead, Esq., to be Serjeant attending the House.

Resolved, The 13th of Sept. to be kept by the Parliament as a day of Fasting and Humiliation, at St. Margaret's, Westminster.

Sept. 5. The House is called. Of those returned, about 60 are absent.

A Committee of Privileges is appointed.

(y) This first Parliament of the Protector bore the name of the Little Parliament. Divisions in *July*, were 55-46; 59-51; 47-46; 64-43; 56-49; 52-48; 51-44; 54-44; 56-45; 47-42; 51-38; 53-38; 52-44. In *August*, 43-27; 41-32; 43-26; 42-41; 47-37; 46-38; 40-26; 57-29. In *September*, 29-22; 44-30; 48-29; 59-24; 52-19; 39-25; 57-34; 33-23; 31-28; 38-36; 58-36; 53-33; 32-28. In *October*, 24-18; 41-35; 36-20; 34-16; 29-11; 31-30; 38-31; 37-34; 34-31; 39-39; 48-27; 47-25; 44-36; 53-32. In *November*, 53-38; 30-30; 32-30; 50-27; 43-32; 27-17; 40-22; 59-41; 58-41; 41-37; 41-35; 43-37; 47-40; 33-34; 50-41; 55-41. In *December*, 57-48; 56-34.

(z) In relation to this Parliament and to the Parliaments of 1656 to 1659, a work of considerable interest appeared in 1823, "A Diary of Thomas Burton, Esq., Member in the Parliaments of Oliver and Richard Cromwell, from 1656 to 1659, now first published from the original Autograph Manuscript. With an Introduction containing an Account of the Parliament of 1654, from the Journal of Guibon Goddard, Esq., M. P., also now first printed. Edited with Notes, Historical and Biographical, by John Towell Rutt. In Four Volumes, London, Henry Colburn, 1823.

The Text itself is an important addition to our Parliamentary History, and the notes, if we deduct somewhat from their authority, in respect of the political bias of their author, are valuable and interesting. From this "Cromwellian Diary," we learn, that while the Debates were conducted with little attention to form and order, a much higher degree of freedom and license was admitted, than either in the Long Parliament properly so called, or under the Commonwealth.

In the present volume, many Extracts are admitted from this Diary, on Proceedings, of which the Journals supply few or very general notices.

Resolved, No Petition against any Election to be received after 1654.
3 weeks.

Sept. 6. The Question, that the Question be put, "That no Act or Ordinance declaring the Offence of Treason, doth extend to prejudice Freedom of Speech in Parliament," is negatived by 187 against 130.

Resolved, The matter of Debate To-morrow shall be, Whether the House approve that the Government shall be in One Single Person and a Parliament.

Sept. 7. The Debate lasts from 8, A. M., to 7, P. M., and is adjourned.

Sept. 12. The Parliament Doors are locked and guarded by Soldiers. The Members are summoned to the Painted Chamber, where the Lord Protector comes about 10 o'clock, and addresses them for an hour and half. "He did expect and hope for better fruit and effect of our Meeting than he had yet found: That having received his Office from God and from the People, he was resolved never to part with it until God and the People should take it from him: That it could not be expected when he told us we were a free Parliament, that he meant otherwise free, than as it should act under that Government: That he was unwilling to break Privileges; but Necessity had no Law: That he had ordered the Parliament Doors to be locked, and had appointed an Officer to take Subscriptions to a Recognition of his Authority, which being done, he might give us an Entrance." (a)

Sept. 18. Resolved. All Persons returned, before admission, shall subscribe the Recognition.

Sept. 21. Resolved, on a double Election for the Borough of Great Yarmouth, that the *Commonalty* is the *Common Council assembled*, and that the Election by the Bailiff, Aldermen, Burgesses, and Commonalty in Common Council assembled, according to their Ancient Custom, is a good Election.

Sept. 22. Resolved, a Committee to consider the Abuses in Printing, and to stop the Printing of *Diurnals and News Books*.

Sept. 27. Petitions against the Elections for three Counties of Ireland, are referred to the Committee of Privileges.

October 5. Resolved. The Committee to proceed upon Elections in Ireland, as they do for Elections in England, and according to the course of Parliament.

Sir Robert Pye is allowed Privilege, on an Arrest.

It is agreed that the Privilege of Parliament does begin from the very day of Election. Therefore he is to have forty days' preparation to come up, and forty days after the Parliament for his Return.

Oct. 10. Resolved. A Committee to consider and review all Ordinances made by the Lord Protector and his Council, before the Parliament was called, and not already under consideration of the House, for their continuance or repeal.

(a) Clarendon XV. 646-7, tells us of this Parliament, "Writs were not sent to all the little Boroughs throughout England, which used to send Burgesses, by which some single Counties send more Members to the Parliament than six other Counties. He thought he took a more equal way by appointing more Knights for every Shire to be chosen, and fewer Burgesses, whereby the number of the whole was much lessened. Such Persons were for the most part chosen and returned as were believed to be the best affected to the present Government, there being strict orders given, 'That no Person who had ever been against the Parliament during the time of the Civil War, or the Sons of any such Persons, should be capable of being chosen to sit in that Parliament,' nor were any such Persons made choice of."

Cromwell and his Officers nominated 122 for the Counties and Cities of England, 6 for Wales, 5 for Scotland, and 5 for Ireland, who, with Cromwell, Lambert, Harrison, Disbrowe, and Tomlinson made 144. Diary, note II. 67.

1654.
A. R.
CAR. II.
6

Resolved. Ralph Darnell Esq. to be Clerk Assistant. (b)

Nov. 11. *Resolved*, "That all Bills agreed to by the Parliament shall be presented to the Single Person for his consent; and, in case he shall not give his consent thereunto within 20 days after they shall be presented to him, or give satisfaction to the Parliament, within the time limited, that then such Bills shall pass into and become Laws, although he shall not give his consent thereunto. Provided such Bills contain nothing in them contrary to such matters wherein the said Single Person and the Parliament shall think fit to declare a negative to be in the said Single Person."

Nov. 13. On the Form of Writ, it is *Resolved*, "That whereas the Sheriff was incapable of being chosen in any Place, he may be chosen any where but as a Knight for his own County. In any other County, he may be chosen Knight; a Burgess in his own County."

Nov. 14. *Resolved*, "That if any Bill be tendered to alter the foundation and constitution of the Government of this Commonwealth from a Single Person and Parliament, to such Bill the Single Person shall have a Negative."

Nov. 15. *Resolved*. That the House sit Forenoon and Afternoon, on Mondays, Wednesdays and Fridays, till further Order.

Nov. 23. *Resolved*. That the Law shall not be altered, suspended, abrogated or repealed, nor any new Law made, nor any Tax charge or Imposition laid upon the People, but by common consent of the People assembled in Parliament.

Nov. 24. The House considers the Articles relating to the calling of future Parliaments, and adopts Resolutions. (c)

(b) Oct. 23 On a Debate whether the Election of a successor shall be in the Parliament or in the Council, it is argued against the Parliament. "That in future times when all Parties are restored to freedom or elections, it may so happen that we may have a Cavalier Parliament, which may possibly endanger the bringing in again of Charles Stuart and his Family. To prevent which, and to provide that elections be well regulated, it will be necessary to keep up a constant and considerable Army, which will prove as considerable a Charge. If an Army must be kept up, there will be as great a fear that the Army will, if not engross, yet always over-sway and overawe the Election. Parliaments are ever apt to be factious, and factions in Parliament are seldom but destructive wars; not so Councils, because they may be reconciled again by a Parliament." Diary I. 56. The arguments employed in this Debate powerfully illustrate the fact, that experience itself may be of no value, where the judgment is obscured by the perverse spirit of Party, and where there is an absence of correct moral principle.

(c) Nov. 24, 1654. This Day the house took into consideration those articles of the Government which relate to the calling of future Parliaments, and resolved upon the question:—(1st.) That a Parliament be summoned, to meet and sit at Westminster, the 3rd Monday of October, 1656. (2ndly.) That a Parliament shall be summoned, to meet and sit at Westminster, the 3rd Monday in October, 1656, and so likewise on the 3rd Monday of October, in every 3rd year successively. (3rdly.) That neither this present Parliament, nor the Parliament which shall be summoned to meet on the 3rd Monday of October, 1656, nor the Parliament to be summoned to meet on the 3rd Monday of October, 1659, nor any succeeding Triennial Parliament, shall, during the time of six months, to be accounted from the day of their first meeting, be adjourned, prorogued, or dissolved, without their own consent. (4thly.) That neither this present Parliament, nor the Parliament which shall be summoned to meet on the 3rd Monday of October, 1656, nor the Parliament that shall be summoned to meet on the 3rd Monday of October, 1659, nor any successive Triennial Parliament shall have power to continue to sit above six months, without the Lord Protector's consent, to be by act of Parliament; in which act there shall be a limited time for their sitting, not exceeding three months. (5thly.) That the Lord Protector, with the advice of the major part of the Council, shall, at any other time than is before expressed, when the necessity of the State shall require it, summon a Parliament, in a manner hereby expressed, which shall not be adjourned, prorogued, or dissolved, without their own consent, during the first 3 months of their sitting, nor shall have power to continue to sit beyond that time, without the consent of the Lord Protector, to be by act of Parliament, in which act there shall be a limited time for their sitting, not exceeding one month, provided, that such Parliament shall end and be determined before the summoning such Parliaments

Nov. 30. Resolved, "That the Persons chosen and assembled in manner aforesaid, or any Sixty of them shall be, and shall be deemed, the Parliament of England, Scotland and Ireland." 1654.
A. B.
Car. II.
6

as are before hereby appointed. (6thly.) That the Summons to Parliament shall be by writ, under the Great Seal of England, directed to the sheriffs and other officers, according to Laws of the several and respective Counties and Places. (7thly.) They voted the form of the writ of summons, in which was some variation from the old form. (8thly.) That, in case the Lord Protector shall not, before the 1st day of July, 1656, give warrants for issuing Writs of Summons, for a Parliament to meet the 3rd Monday, in October, 1656; and before the 1st day of July, 1659, give warrant for issuing Writs of Summons for a Parliament to meet on the 3rd Monday in October, 1659; and before the 1st day of July, in every 3rd year after that time, give warrant for issuing Writs of Summons for a Parliament to meet on the third Monday in October in every third year successively; that, then, the Chancellor, Keeper, or Commissioners of the Great Seal, for the time being, shall without any warrant or direction, within seven Days after the respective times aforesaid, seal, issue, and send abroad, writs of Summons, to the several and respective Sheriffs of England, Scotland, and Ireland, for summoning the Parliament to meet at Westminster, the 3rd Monday in October, 1659; and for other Parliaments to meet at Westminster on the third Monday in October in every third year successively.

That at the day and place of Elections, the Sheriff of each County, and the Mayors, Sheriffs, Bailiffs, and other head officers and officers, within their Cities, Towns, Boroughs, and Places respectively, shall take view of the said Elections, and shall make return into the Chancery, within twenty days after the said Elections, of the Persons elected by the greater number of Electors, under the hands and seals of twelve or more of the said Electors, on behalf of himself on the one part, and on the behalf of the Electors on the other part; wherein shall be contained, that the Persons elected shall not have power to alter the Government from one single Person and a Parliament.

That the Sheriff who shall wittingly or willingly make any false return, or wittingly or willingly neglect his duty in execution of the premises, shall incur the penalty of £200 of lawful English money. And that every Mayor, Sheriff, Bailiff, or other head officer of any City, Town, Borough, or place aforesaid, who shall wittingly or willingly make any false return, or wittingly or willingly neglect his duty, in execution of the premises, shall incur the penalty of £200 of lawful English money; the one moiety of all and every the penalties aforesaid, to go to the Lord Protector, and the other moiety to such party grieved, as shall sue for the same, in any of the Courts of Record at Westminster, which suit shall not be commenced until the Parliament hath adjudged the same to be such offence as aforesaid.

Resolved, that the Persons who shall be elected to serve in Parliament shall be such, and none other such, as are persons of known integrity, fearing God, and of good conscience, and being of the age of twenty-one years; and not such as are disabled by the act of the 17th of King Charles, intituled, "An Act for disabling all persons in holy orders to exercise any temporal jurisdiction or authority;" nor such as are public ministers, or public preachers of the Gospel; nor such as are guilty of any the offences mentioned in an Act of Parliament, bearing date Aug. 9, 1650, intituled, "An Act against several Atheistical, blasphemous, and execrable opinions, derogatory to the honour of God, and destructive of human society;" nor common scoffer, nor reviler of religion, or of any Person or Persons for professing thereof; no person that hath married, or shall marry a wife of the Popish religion; or hath trained, or shall train up his child or children, or any other child or children, under his tuition or government, in the Popish religion; or that shall permit or suffer such child or children to be trained up in the same religion; no person that shall deny the Scripture to be the Word of God, or the Sacraments, Prayers, Magistracy, Ministry, to be the ordinances of God; no common profaner of the Lord's Day, nor profane sweater or curser; no drunkard, or haunter of Taverns, Ale-houses, or Brothel-houses; none that shall hereafter drink healths, or be guilty of adultery, fornication, or extortion, perjury, forgery, or bribery."

For the incapacities of the Electors it was

Resolved, that all and every Person and Persons, who do or shall profess the Popish religion in Ireland, or who have advised, assisted, or abetted, in the rebellion of Ireland, before Sept. 1, 1643, shall during their lives, be disabled, and be incapable of being elected, or to give any vote in the election of any member to serve in any Parliament. And likewise, that all and every Person, who have advised, voluntarily assisted or abetted, in the rebellion of Ireland, since Sept. 1, 1643, or have at any time advised, voluntarily assisted or abetted the war in England or Scotland against the Parliament, shall during their lives, be disabled and incapable to be elected, or to give any vote in the election of any Member to serve in any Parliament; provided that this extend not to disable or make incapable such Persons constantly professing the Protestant Religion, who before Dec. 25, 1649, did submit, and have ever since continued faithful to the Parliament, and given signal testimony of their good affection thereto.

That all Votes and Elections given or made contrary, or not according to these qualifications, shall be null and void; (but the penalty or forfeiture was wholly omitted.)

That all and every Person and Persons, not within the aforesaid exceptions, being resident for the space of three months or more, before the time of Election of Members to Parliament, in such County where Election is to be made, having an Estate in Freehold, to the yearly value of forty shillings, within any County, Riding, Limit, or Place; or having an Estate, Real or Personal, to the full and clear value of £200, to be declared upon Oath, by such Person or Persons, if required; and which said Oath, the Sheriffs or their

1654.
A. R.
Car. II.
6

December 2. (Saturday.) Resolved. Such Members as are, or shall be returned upon Writs for new Elections, issuing by Warrant from the Parliament, under the hand of Mr. Speaker, shall be returned and admitted into the House, *without any other approbation than that of the Parliament*; and the Clerk of the Commonwealth shall certify such Members accordingly, to the Clerk of the Parliament.

Resolved. The Persons who shall be of the Council shall be such as shall be nominated by the Lord Protector, and approved by Parliament.

Dec. 5. That no Person shall continue to be of the Council of 21, longer than 40 days after the meeting of each succeeding Parliament, without a new approbation by the Parliament.

Dec. 6. Resolved, That Titles of honour shall be derived from the Lord Protector, but none shall be hereditary, without consent of Parliament.

Resolved, That the Persons to be chosen within England and Wales and the Town of Berwick-upon-Tweed, to sit and serve in Parliament, shall be and not exceed the number of 400. The number for Scotland shall be 30, and the like number for Ireland.

Resolved, The House agrees with the distribution brought in by the Committee, of Members for the respective Counties and Places. (d)

Dec. 15. Resolved, immediately after the death of every Lord Protector, if a Parliament be not then sitting, or not then already summoned, a Parliament shall be summoned to meet forthwith.

1655.

January 10. (Wednesday.) On Question, Whether a Conference shall be had with the Lord Protector, concerning the Bill for settling the Government, before it be Ingrossed, the Yeas are 95, the Noes 107.

Jan. 22. His Highness the Lord Protector being in the Painted Chamber, and the Parliament, with their Speaker, by his Command, attending him there, he thus concludes a long address: "I think it my duty to tell you, that it is not for the profit of these nations, nor for common and public good, for you to continue here any longer, and therefore I do declare unto you, that I do *dissolve this Parliament.*" (c)

Deputies are here empowered to give; shall be capable to give his or her Vote, for the Election of Members for such County, Riding, Limit, or Place, where such Land or Estate doth lie.

Provided this extend not to alter any ancient Customs, Charters, or Privileges, of any Cities, Boroughs, Towns, or Corporations, who have hereby right to elect Members to Parliament, but the same continue as formerly.

But here was a vote that such £300 men, as had vote in Boroughs, and had Freehold Lands to the amount of forty shillings in the said Boroughs only, and not within the body of the County, should not, either for their £300, or for such Freehold only, have voices for choosing of Knights in the County, unless they had Freehold also in the County to the value of forty shillings, and out of the Precincts of the said Borough.

(d) The distribution of Members to the several Counties and Places, for the most part agreed with the Instrument, saving as to Queenborough. It gave Cornwall eight Members, Launceston one, Truro one, Penryn one, Eastlow and Westlow one. See Parl. Hist. XX. 250-252. Introduction to Burton's Diary, l. cxi.

The only Divisions in *September* were 187-130; 141-136. In *October*, 115-80; 96-63. In *November*, 77-67; 103-89; 109-85; 85-76; 96-89; 85-47; 64-30; 96-53; 65-44; 53-49; 106-93; 65-57. In *December*, 85-82; 61-45; 83-81; 72-59; 79-62; 91-69; 85-84; 80-62; 83-76; 43-38; 38-31; 90-56; 95-75; 73-11; 90-59; 81-61.

(e) Whitlock's Memorials pp. 592-599. Parl. Hist. XX., 404-431. Burton's Diary Introd. cxxiv. &c.

Divisions in *January* were, 65-51; 65-66; 103-86; 83-81; 61-75; 118-71; 92-83; 97-86; 107-59; 82-73; 82-65; 121-84; 123-76; 97-93; 97-82; 84-77; 104-77; 100-71; 94-64; 86-55; 89-50; 114-66; 72-50; 68-61; 63-43; 138-86; 110-109; 101-97; 98-29; 195-82.

September 17. (Wednesday.) The Third Parliament meets. 1656.
His Highness the Lord Protector, attended by the Lord President, the rest of his Council, and the Officers of State, hears a Sermon at the Abbey, and then proceeds to the Painted Chamber. Most of the Members are present, to whom His Highness communicates the occasion of calling this Parliament. (f)
The Members repair to the House. At the Door, some Persons, by His Highness's appointment attend, and receive of every Member a Certificate from the Clerk of the Commonwealth in Chancery, that he is returned to serve in this present Parliament, and is approved by the Council. Thereupon he is admitted into the House.

A. B.
Car. II.
8

On the Motion of Lord Commissioner Lisle, Sir Thomas Widdrington, Knight, Serjeant-at-Law, a Commissioner of His Highness's Treasury, is chosen Speaker.

Sept. 18. Ordered, The House to rise at 12 o'clock, daily.

Ordered, Ralph Darnall is approved as Clerk Assistant.

Sept. 19. The Deputy to the Clerk of the Commonwealth in Parliament attends with the Returns, according to an Order. The Indentures are read. Inquiry being made why many Members chosen are not returned to the Parliament, the Deputy Clerk answers, "Because they are not approved, and have received no Certificate of approbation." The Clerk, himself attending, states, that he received an Order from His Highness's Council, that he should deliver Tickets to such Persons only as should be certified to him from the Council.

Sept. 20. Resolved. This House doth desire the Council to give their Reasons why those Members returned are not approved and admitted into the House.

Sept. 22. The Council Report, That according to a Clause in the Act of Government, the Council in pursuance of their duty and trust, have examined Returns, and have not refused to approve any who have appeared to them Persons of integrity to the Government, fearing God and of good Conversation, and those that are not approved, His Highness hath given orders that they do not come into the House.

Resolved, That the Persons returned from the several Counties, &c., and have not been approved, be referred to make their application to the Council for an Approbation. (g)

Sept. 23. Resolved. No Private Petition to be printed before the same has been read in the House.

Sept. 26. An Act passes, nem. con., for Renouncing and Disannulling the pretended Title of "Charles Steward."

Sept. 29. Ordered. Post Letters to the Members to be

(f) See his Speech, for the first time printed in Rutt's Diary of Thomas Burton, Introd. cxlviii. to clxxix.

Speaking of the Revenue during the Long Parliament, the Protector says, "They had £120,000 a month. They had the King's, Queen's, Prince's, Bishops' Lands, all Delinquents' Estates, and the Dean and Chapter Lands, a very rich Treasure. We had no benefit of these Estates at all considerable, I do not think the fiftieth part of what they had; and I tell you, you are not so much in debt, by some hundreds of thousands."

No Persons were allowed to sit who did not first subscribe an engagement, "That they would act nothing prejudicial to the Government as established under a Protector."

"Many," says Clarendon XV. 677, "utterly refused, but the major part submitted."
The Parliament consists of 375 English, 34 Welsh, 29 Scotch, and 31 Irish Members; total 459.

(g) Ninety-three excluded Members signed a Remonstrance, and were ultimately re-admitted.

Double Returns occur much more frequently than in former Parliaments.

1656.

A. B.
Car. II.
8

brought to the Door of the House, and free from Postage, as formerly.

Ordered. The Letters of Members to the several parts of England, Scotland and Ireland, to be also free from Postage.

October 1. (Wednesday.) Resolved. A Copy to be made of every Bill which passes, to be carefully examined by the Clerk of the House with the original, and signed by him; and Mr. Speaker with the whole House to attend His Highness; when Mr. Speaker, in the name of the House, shall present the Bills for Consent, and the Clerk of Parliament shall read the Tittling, and if the Lord Protector require it, the Clerk shall read the Bill, and then the Speaker shall deliver the Copy.

Resolved. When the Lord Protector passes a Bill, the Form shall be, "The Lord Protector doth consent." In case the Lord Protector shall not consent in 20 days, a Bill is to become a Law.

Oct. 6. Resolved. The Serjeant-at-Arms, or his Deputies, shall attend the several Committees, and the Persons who have Custody of their Rooms, shall permit them.

Oct. 14. Various Resolutions are adopted as to the Passing of Bills.

Oct. 20. Resolved. The House agrees with the Committee of Privileges on the case of the Town and Borough of Lynne, That before 1640, the Burgesses and Inhabitants of the said Town had not voices in the Election of Burgesses for Parliament, and that the Election by the Mayor, Aldermen, and Common Council is good.

Ordered. A Book, "Thunder from the Throne of God against the Temple of Idols" is referred to a Committee, and to suppress Private Presses, to regulate Presses, and suppress and prevent scandalous Books and Pamphlets.

Oct. 23. Ordered. A Warrant, &c., for the Shires of Elgin and Nerne, the Writ not having been executed, by reason it came too late into those remote Countries.

Oct. 25. A Surveyor is appointed to view the Room over head, and to secure the Records there.

Nov. 21. Resolved. No Members to remain in the Committee Chambers, during Prayers

Nov. 25. Resolved. A Grand Committee on the Bill for uniting Ireland into one Commonwealth with England.

Nov. 27. An Act (the first of the Session) passes, That His Highness's assent to the passing of Bills now tendered, shall not determine this Session of Parliament.

Mr. Speaker, with the whole House, the Clerk with the Bills in his Hand, and the Serjeant with his Mace, attend the Lord Protector in the Painted Chamber.

His Highness gives his Consent to Five Public and to Six Private Bills.

Dec. 30. Resolved. A Salary of £200 per annum to be settled on Ralph Darnall, Clerk Assistant.

Dec. 31. The House is called. *Resolved.* Such as have this day made default, and shall not appear on this day fortnight, shall be fined £20. (A)

(A) With Wednesday, Dec. 3, 1656, commences the Parliamentary Diary of Thomas Burton, Esq. (see p. 166.)

Divisions in September were 115-80; 125-29; 101-65; 97-90; 107-78. In October, 86-77; 117-59. In November, 68-62; 89-47; 152-51; 37-37; 78-32; 75-45; 108-29; 112-70. In December, 98-70; 74-73; 77-44; 87-84; 108-63; 96-82; 107-33; 108-74; 91-90; 86-63; 88-63; 113-59; 89-83.

January 8. (Thursday.) *Resolved*, That the House do meet To-morrow for observation of the Fast, notwithstanding Mr. Speaker's absence. 1657.

Jan. 14. The Grand Committee sits upon the Bill for uniting Scotland into a Commonwealth with England. A. R. Car. II. 8

Jan. 19. *Resolved*. The House to wait upon His Highness to congratulate him upon his deliverance from the wicked design against his life.

Mr. Ashe the Elder. "I would have something else added, which in my opinion, would tend very much to the preservation of himself and us, and to the quieting of all the designs of our enemies; that His Highness would be pleased to take upon him the Government according to the Ancient Constitution. Both the Liberties and Peace, and the Preservation and Privilege of His Highness would be founded upon an old and sure foundation."

Mr. Robinson. I understand not what that gentleman's motion means who talks of an Old Constitution. The Old Constitution is Charles Stuart's interest. I hope we are not calling him in again. This gentleman would have His Highness to be Charles Stuart's Vice-Roy, or some such thing.

Mr. Downing. "Those Governments are best which are upon proof, and long experience of our ancestors; not such as are only in notion; such whereby the People may understand their Liberty and the Lord Protector his Privilege. I cannot propound a better expedient for the preservation both of His Highness and the People, than by establishing the Government upon the old and tried foundation."

Mr. Highland. Are you now going to set up kingly government, which, for these thousand years, has persecuted the People of God? Do you expect a better consequence? What a crime is it to offer such a motion as this. The gentleman that moved this was one of those that was for pulling down what he would now set up. (i)

Resolved. A Bill, "for better payment of Tithes and other dues and duties to Parsonages and Vicarages."

Cases of Privilege are (Oct. 23) on an Arrest; (Nov. 25 and 28) on a Subpoena; (Dec. 2) on a Writ.

In the Debate of Dec. 17, the Lord Chief Justice lays down some points of Law and Practice upon the Judicature of the Houses. He says (whatever might be the case in the Commons) "The House of Lords would never proceed in a judicial way but according to Law. I never knew them do otherwise." Burton's Diary, I. 163. See also Debate, Dec. 26, on the Judicatory Power of the Commons, p. 344, 258, 271, 279, &c.

Dec. 20. On a Petition in favour of Liberty of Conscience (in the case of James Naylor) Major-General Shippen says, "Unless to check the Petitioners, I know not why you admit a debate. I was always of opinion in the Long Parliament the more liberty the greater mischief."

Dec. 20. Mr. Robinson says, "What is above the Jurisdiction of a Parliament? Will you refer it to a Multitude? I would not have a People know their own strength. I would not have it put upon a Parliament to own their strength."

On Jan. 2 and 12, Mr. Burton is noticed for taking Notes of Proceedings, as expressly against the orders of the House. He says, "Mr. Davy took notes all the Long Parliament, and Sir Symond D'Ewes wrote great volumes, as well his own Speeches as other men's when he was prevented in speaking." Mr. Burton is, however, allowed to proceed. See also Diary I. 296-341.

(i) So Whitelock relates, Mem. 700, May 1, 1660. "When the Letter of Charles Stuart was read in the Convention Parliament, this Speaker, Mr. Luke Robinson, formerly a fierce man against the King, did now first magnify his Grace and Goodness." This was the first hint of the Project for making Cromwell King. In previous Debates, much had been said of the actions of the Long Parliament as not to be imitated in all things; of the Powers of Parliament being very great, but not to be carried beyond justice; of not altering the Land Marks of our Fathers, &c. &c.

See Burton *passim*. On Jan. 7, were present "220 at least, besides Tobacconists." Diary I. 320

1657.

Jan. 27. Resolved, In respect of Mr. Speaker's indisposition, the Lord Commissioner Whitlock do take the Chair.

Jan. 28. Ordered. The Serjeant with his Mace to go into Westminster Hall and require the attendance of Members.

A. R.
Car. II.
9

Feb. 18. The Speaker returns to the House, and by command thanks Lord Commissioner Whitlock for his readiness, &c. during the absence of the Speaker.

His Highness invites all the Members to dine on Friday, the day of Public Thanksgiving, in the Banqueting House, Whitehall.

Feb. 23. Sir Christopher Pack, Alderman, Member for London, presents a Paper, "*The Humble Address and Remonstrance of the Knights, Citizens and Burgesses now assembled in the Parliament of the Commonwealth.*" The Question, that it be read, is carried by 144 against 54. It proposes, inter alia, to make Cromwell King, "*as the best known and most agreeable kind of Government to the English People.*"

March 3. (Tuesday.) The Remonstrance is much debated.

Resolved. The words, "That your Highness will be pleased during your life time to appoint and declare the Person who shall immediately after your death, succeed you in the government of these Nations," shall be part of the Remonstrance.

March 5. Resolved. That these words, "That your Highness will, for the future, be pleased to call Parliaments, consisting of Two Houses, in such manner and way as shall be more particularly afterwards agreed and declared in this Remonstrance, once in three years at farthest, or oftener, as the affairs of the Nation shall require, that being your Great Council, and in whose affection and advice, yourself and this People will be most safe and happy;" shall be a part of this Remonstrance.

March 11. Resolved, That these words, "That your Highness will consent that none be called to sit and vote in the other House, but such as are not disabled, but qualified according to the Qualifications mentioned in the former Article, and that they exceed not 70, nor be under the number of 40," be part of this Remonstrance.

Resolved. The Quorum to be twenty-one.

Resolved, That the Lord Protector be pleased to nominate the Persons to sit in the other House, and that the Persons so nominated be approved of by this House nem. con.

March 12. Resolved, That the votes of the Persons to be of the other House, shall not be by Proxies.

March 17. The House debates on the Judicial Powers of the other House.

March 23. Resolved, That 41 Commissioners be appointed by Act of Parliament, who, or any 16, or more of them, shall be authorized to examine and try, whether the Members to be elected for the House of Commons, in future Parliaments, be capable to sit, according to the qualifications mentioned in this Remonstrance; and in case they find them not qualified accordingly, then to suspend them from sitting, until the House of Commons shall, upon hearing of their particular cases, admit them to sit, &c.

May 25. Resolved, by 123 against 62, that this Clause, "that your Highness will be pleased to assume the name, style, title, dignity and office of King of England, Scotland and Ireland, &c., and to exercise the same, according to the Laws of these Nations," be part of the Remonstrance.

March 26. Resolved, That this Clause, "that your Highness will be pleased to consent that nothing in this Petition and advice contained, nor your Highness's assent thereto, shall be construed to extend to the dissolving of this present Parliament, but that the same shall continue and remain until such time as your Highness shall think fit to dissolve the same," shall be part, &c. 1657.
A. R.
Car. II.
9

March 31. The Humble Petition and Advice is presented in the Banqueting House, Whitehall. (k)

April 4. (Saturday.) Report is made from the Committee appointed to attend His Highness, yesterday, of his Answer, "That he was not able according to his Duty to God and to them, to undertake this charge under that Title of King."

Resolved, by 78 to 65, This House doth adhere to their Humble Petition and Advice.

April 23. Resolved, that £1000 be imposed as a Fine upon all Persons that sit in the House of Commons, being disabled by, or not qualified according to, the Qualification in the Petition and Advice, and that they be imprisoned until such Fine be paid.

May 8. (Friday.) The House considers Cases of Privilege on Subpœnas and Outlawries.

May 12. Report is made of his Highness's final answer, "That he cannot undertake the Government with the Title of King."

May 19. Resolved, by 53 against 50, That Lord Protector shall be the Title, &c.

May 26. "The first day upon the new footing of the Constitution."

Mr. Speaker. "I move, that for the gravity of the House, you, being as a Court of Justice, would not talk to one another, nor move out of your Seats, nor stay in the Gallery, in regard the House is thin."

Col. Shapcott moves that the Committee may have power to examine upon Oath.

Mr. Speaker bids take heed of that.

May 27. Mr. Godfrey. "There are no Laws and Statutes of the Land for the continuance of Parliament, now in force, but the Triennial Bill, which gives only fifty days. I move that Triennial Parliaments may continue for six months, and other Parliaments for three months."

May 29. Mr. Bampfield observing the Speaker speaking to the Clerk, moves that it was usual with him to do so, while men were speaking, but it was against the Orders of the House.

Mr. Speaker excuses himself, but could not come off very well. "He only spoke to be informed about the Order of Proceedings."

Mr. Speaker informs the House, that when a Bill is Ingressed, it is proper to offer a Rider, and moves "That a Note may be entered that it be not drawn into a Precedent to refer a Bill of Assessments to a Private Committee, but in respect of the pressure of affairs."

June 1. (Monday.) The Bill for Tithes is read.

Lord Whitlock. I except against the Clause as to Ministers or their Agents entering into Men's Houses. This was more than was granted in the time of Popery. Never any man heard of a distress for Tithes.

Sir W. Strickland. I fear there is a design in bringing that disgrace and reproach upon Tithes, to bring a disgrace upon the

(k) See the Speaker's Speech and that of the Lord Protector at full length, printed, probably, for the first time, from an unpublished MSS. at the British Museum, in *Rutii's Diary of Thomas Burton, Esq.*, Vol. I. p. 327. &c.

1657.
A. R.
Car. II.
9

Gospel. Some men will leap over hedge and ditch, the whole Decalogue, and wholly scruple at Tithes. They make no scruple at all to detain *them*. If there be a law for a little severity in that kind, there is need of it. *The same levelling principle will lay waste Properties, and deny Rents, upon the same principle as they do Tithes.*

June 8. The House having waited half an hour for the Minister, and none coming, the Speaker was going to proceed without Prayer.

Mr. Bampfield. This is the first Precedent that ever the House went to business without Prayer.

The House staid awhile, but at length proceeded without Prayer.

In a Debate, *Mr. Recorder* says, "It is the first time that ever I heard a question put upon a Proviso, till it was first read. The House is not possessed of it. Of sixty Provisos tendered to the Act of Oblivion, all were read the first time."

Mr. Speaker, the *Clerk*, and others, say, "That the Practice is often the contrary."

June 9. His Highness gives his Consent to 38 Bills, and, on a 39th, "will advise."

June 10. *Mr. West*, on a Debate concerning Assessing Ireland, says, I have read of *Filia devoravit Matrem*. I wish it may not be so in Ireland.

Col. Sydenham. It has been our misfortune to have conquered nations lie still upon our Charge. If Rome had done so with her Colonies, she had not profited by her Conquests. It is hard we should bear always the burden. They pay nothing to Highways, which we are charged with. (1)

June 12. A "Petition of the Members who serve for Ireland in this present Parliament," is read.

Major-General Whalley. It is the first Precedent of a Petition signed by any Member of Parliament. They have liberty here to speak for themselves.

Mr. Bond and Sir Richard Onslow. It was never known that any Members petitioned us, but when we sent them to the Tower.

Many others speak against the Precedent, and "the example of it being disliked generally, the Petition is withdrawn by consent of the House."

June 13. *Mr. Speaker* acquaints the House, that at some hands or others, there is a high breach of Privilege, *by talking what things pass in this House*. Persons should be careful hereafter of the least breach of this Privilege.

June 20. A Letter from His Highness proposes that the Adjournment be deferred until Wednesday, (24th) in regard of business unfinished. It is moved, that, in the mean time, all Members be enjoined to attend, under Penalties of from £20 to £100. Others move that no Penalty be set, but if any went obstinately away, they should have £500 Penalty.

Lord Whitlock. I doubt, unless you put a Penalty, you will hardly have so full a House as the necessity of business requires.

Resolved, that the Members do attend till Friday morning, under the Penalty of £50.

(1) See much valuable information on the state of Ireland in this Debate, 1. 256. Also see the first occurrence of the word "Tories," who are divided into Public and Private. Moss troopers in Scotland and Tories in Ireland are considered the same. See "Bill for the Borders," 232.

June 24. "An Oath for Members of Parliament" passes by 1657.
63 against 55.

Resolved. That a Form of a Summons be adopted for Members of the other House. A. R. Car. II. 9

Resolved. The said Persons, so summoned, &c., shall be and are hereby declared, "THE OTHER HOUSE OF PARLIAMENT," and shall and may, *without further approbation*, do and perform all such matters as the other House ought to do and perform; and shall and may have and exercise all such Privileges and Powers and Authorities as the other House ought, by the Humble Petition and Advice, to have and exercise, &c.

Major-General Disbrowe, on the terms, "without further approbation," says, "I have the experience of it, that the choosing of a Committee, *by a Ballotting, did so divide the House into Parties, that they never were united again.* I doubt this may be the consequence if we adopt it here."

June 26. A Bill passes for *Adjournment* of this present Parliament, from 26th June, 1657, unto 20th Jan., next ensuing.

The Speaker, with the whole House, attends His Highness in the Painted Chamber. He gives his Consent to 23 Bills, and is afterwards Solemnly Invested. (m)

January 20. The Parliament meets. Commissioners are appointed to administer the new Oath to Knights, Citizens and Burgesses. 1658.

Resolved. This House doth make choice of John Smythe, Esq., to be Clerk of this House,

Black Rod acquaints the House that the Lord Protector is in the House of Lords and stays for this House.

Mr. Speaker reports it "*the other House*," but is corrected.

Resolved, not to go with Cap and Congee, but with Mace, as formerly.

His Highness makes a long Address; commencing, "My Lords and you the Knights, Citizens and Burgesses of the Commons."

Jan. 22. A Message is received "*from the Lords*." A Debate ensues upon the use of these words. The House is not disposed to admit it.

The Commons *Resolve*, that Mr. Scobell do deliver the Journal Books, Records and Writings of this House to Mr. Smyth, Clerk of the House.

Jan. 25. Mr. Speaker Reports Mr. Commissioner (Lord) Piemiss' Speech delivered in the other House on Wednesday: "The Constitution of a Chief Magistrate, and two Houses of Parliament is not a Pageantry, but a real and well measured advantage to itself and to the Commonwealth, and so consonant

(m) Divisions in *January* were, 128-50; 121-78; 124-88. In *February*, 81-66; 69-64; 82-53; 132-46; 72-39; 69-51; 71-58; 62-49; 83-62; 144-54; 106-44; 118-63; 95-82; 124-87. In *March*, 129-62; 68-61; 68-66; 72-51; 96-63; 97-50; 67-61; 69-71; 71-43; 64-49; 63-62; 107-75; 123-62; 42-37; 40-28. In *April*, 38-32; 77-65; 78-63; 66-53; 41-28; 69-63; 47-41; 61-50. In *May*, 49-37; 50-47; 30-51; 35-61; 78-67; 37-33; 77-68; 67-60; 47-46; 77-45; 59-49; 63-49; 43-35; 49-38; 33-51. In *June*, 85-41; 52-44; 72-48; 63-43; 67-50; 43-42; 45-43; 82-71; 33-25; 71-51; 61-48; 55-47; 71-50; 50-45; 50-42; 64-46; 51-47; 46-42; 51-35; 45-41; 44-35; 68-40; 67-44; 67-53; 79-46; 62-36; 53-30; 37-35; 54-43; 53-48; 49-52; 68-51; 63-55; 50-41; 45-43; 66-62; 74-46; 48-43; 78-50; 88-43.

Much interesting Information is given in the Notes to the Parl. Diary, II. 314, relating to this Inauguration, and to the events which succeeded it.

The House of Lords, nominated by the Protector Dec. 10, consisted of 63 Members, together with the Five Judges and three Barons of Exchequer, as Assistants.

From the opening of the Parliament in January, the Commons are not summoned to the Painted Chamber as formerly, but to the House of Lords.

1658

A. R.
Car. II.
9

to Reason, that it is the very Emblem and Idea of Reason itself, which reasoneth and discourseth by a medium between two extremes."

Resolved. Mr. Scobell having received a new Patent from the Lord Protector, as Clerk of Parliaments for Life, this House adheres nevertheless to its Order of the 22d. Jan.

The Houses, on Summons, attend His Highness in the Banqueting House, where he addresses them at length. (n)

Jan. 27. The House keeps a day of Public humiliation. *The Exercises begin at 10 o'clock, and hold till half-past 5.*

Jan. 29. A Committee waiting upon the Lord Protector with Resolves of the House of Commons, he answers, "That what he spoke in the Banqueting House was delivered to both Houses. He was exceeding tender of the breach of Privilege of either House, and was not satisfied that it was not against the Privilege of either House, to give an Answer to either House apart.

A long Debate ensues upon the "*House of Lords*."

Jan. 30. *Resolved*, to debate "what appellation shall be given to the Persons to whom an Answer to a Message from the other House shall be made."

Captain Whitgrave. We have had sad experience of what treasure it cost us when we were a Commonwealth; more than in 500 years before. Let us consider the condition we are in. Scotland scarce recovered; Ireland wants but swords, to return again to be our Enemy. His Highness has called the other House a House of Lords, and my motion is, that you would address your answer to them by that Title.

Mr. Bond. I like not to hear reflections on the Long Parliament, to whose pains and success this Nation owes its Peace and Safety. The gentleman is pleased to say they were expensive. I am not of his opinion.

Feb. 4. The Debate is still continued. His Highness, by Black Rod, summons the House to the Lords' House, where, in a Speech of an hour and half, he declares the grounds and reasons to put an end to this Parliament. "I did tell you that I would not undertake such a Government as this, unless there might be some other Persons that might interpose between me and the House of Commons, who had the power to prevent tumultuary and popular Spirits; and it was granted I should name another House. I named it of men that shall meet you wheresoever you go and shake hands with you, and tell you it is not Titles, nor Party that they value, but a Christian and an English Interest. Having proceeded upon these terms, and finding such a Spirit as is too much predominant, every thing being too high or too low, I thought I had been doing my Duty, and that it would have satisfied you. But, if every thing must be too high or too low, you are not to be satisfied. If this be the end of your sitting, and this be your carriage, I think it high time that an end be put to your sitting, and I do Dissolve this Parliament, and let God judge between me and you." (o)

(n) See this Speech, printed probably for the first time. Parl. Diary II. 351.

(o) See this Speech, Parl. Hist. XXI. 199-203, and the Parl. Diary II. 465. The Protector survived only seven months. On the 3d of September, ("a day consecrated by the Trophies of Dunbar and Worcester) he quietly followed a favourite daughter, Lady Elizabeth Cleypole, (Aug. 6), to the house appointed for all the living." Clarendon XV. 66.

Divisions in January were, 75-51; 92-84; 64-78. In February, 85-66; 93-86. In notes to Parl. Diary II. 451, see cases of the King's negative.

A. R.
Car. II.
10

RICHARD CROMWELL.

January 27. (Thursday.) The Parliament meets at Westminster. After a Sermon at the Abbey, His Highness goes to the Lords' House, where are a few Members of the Commons. About 150 Members, sitting in their House while His Highness was speaking, do not attend, on Summons from Black Rod. 1659.
A. R.
Car. II.
10

Commissioners are appointed to administer the Oath, &c. Chaloner Chute, Esq. is elected Speaker, and the Mace is placed before him.

Resolved. J. Smythe, Esq. to be Clerk of Parliament, Ralph Darnall, Esq., Clerk Assistant, Edward Birkhead, Esq., Serjeant-at-Arms.

Jan. 31. The House is called, and Report made on Elections. A. R.
11
Ordered, A Writ for the Town of Seaford, a Member of the Cinque Ports, which had sent two Barons to the Parliament, 3 Nov., 1640, but is not mentioned in the present Returns.

Feb. 5. *Resolved,* The Serjeant-at-Arms do take William King, and that he be committed to Newgate, for his offence and misdemeanours, in his wilful, insolent and bold intruding himself into this House, several days, to hear the debates, being no Member of this House.

Feb. 7. An Act of Recognition of His Highness's Right and Title is read a second time.

Sir Arthur Haselrigge speaks from 9 till 12 o'clock on the Government of England, and on the Proceedings of late Parliaments. "We are here, (he says of the present Parliament,) the freest and clearest and most undoubted Representatives that ever were since the Desolation of the Three Estates—King, Lords and Commons." (p)

Feb. 10. On the Question of the Commitment of a Bill, *Sir Henry Vane* observes, "It is long since any Bill passed regularly. At the first Reading no man can speak for a Bill, but against it he may. At the Second Reading he may speak, for or against any part of it. The natural Orders will preserve you from Rocks. In times when we had Kings, the House was surprised by previous votes, our Ancestors foresaw the necessity of committing a Bill."

Feb. 12. *Resolved,* that Mr. E. Jones, returned to serve as a Member for the County of Brecon, in this Parliament, be, for his Delinquency (as a Cavalier) expelled this House, and for ever disabled from sitting in any other Parliament.

Resolved. Mr. Robert Villiers, returned by the name of

(p) The same subject is handled with much skill and under various views in the Debate which continued during this and the following days. The Long Parliament is treated, even by the Republican Speakers, somewhat unceremoniously. Mr. Skipwith desires it may be examined by what authority the ancient Constitution was taken away by a "handfull of the House of Commons."

Mr. Neville says "The Long Parliament was an Oligarchy, detested by all men that love a Commonwealth," &c.

"How like the sea, (says Whitlock in his Memorials, p. 320.) the People of the world are, still ebbing and flowing, always in an uncertain motion, and constant in nothing but inconstancy."

1659.
A. R.
Car. II.
11

Danvers, for the Borough of Westbury, be, for his Delinquency, expelled, &c., and new Writs issued. (g)

Feb. 14. *Resolved*, that it be part of the Bill, to recognise and declare His Highness, Richard, to be the Lord Protector and Chief Magistrate of England, Scotland and Ireland, &c. &c.

Feb. 15. On the Question of the Reception of a Petition, Mr. Swinfen says, "I would have this caution, that the coming in the name of boundless Liberty, may not destroy Liberty. That unlimited Liberty has been the source of all Mischief. There is as much Tyranny in Liberty as otherwise. I would not stir up that Liberty that leaves you no Liberty here."

Feb. 19. *Resolved*. It shall be part of this Bill to declare the Parliament to consist of two Houses.

Feb. 23. A Committee is named to peruse the Journal Books of this House, on every Saturday, or oftener.

A Debate takes place touching the Bound and Powers of the other House. (r)

March 7. *Resolved*, by 173 against 142, That Old Malton has a Joint Right with New Malton, to elect Burgesses.

March 9. Sir Lislebone Long is chosen Speaker, pro tempore, on the indisposition of Mr. Speaker.

A Debate commences touching the right of sitting of the Scotch and Irish Members.

Sir H. Vane. A greater Imposition never was by a Single Person upon a Parliament, to put Sixty votes upon you. By this means, it shall be brought upon you insensibly to vote by Scotch and Irish Members, who will enforce all your votes hereafter.

Mr. Knightley. The Union with Ireland must be preserved. THIS HAS BEEN ONE OCCASION OF THE GREAT TUMULTS IN IRELAND THAT WE HAVE NOT TILL NOW TAKEN THEM INTO OUR LEGISLATURE.

Mr. Hewley. We are now all one body: Irish are natives here, and have all one Soul. It is not prudent or safe to turn them out of the House.

March 16. Mr. Bampfield is elected Speaker, Sir Lislebone Long being indisposed.

The Debate on the Scotch and Irish Members is continued.

Mr. Solicitor General. TO GROUND OUGHT UPON WHAT THE LONG PARLIAMENT DID, NONE WILL NOW INSIST AS ANY FOUNDATION. By the Act of Union, thirty for Scotland are to come and sit in every successive Parliament. The Act of Union is confirmed for Scotland. Had you ever peace with Wales till you were incorporated. I wish Scotland may have benefit by this Union.

Sir Arthur Haselrigge. The Instrument turned over the fundamental Laws of sitting in this House, and brought in two Nations to sit here that never sat before. This Instrument came not in by Lords and Commons. It came in, nobody can tell how, and how it went out, no man knows, whether out of window or door. (s)

(g) It is said of Mr. Danvers, "that he came a month before the Election to the Place, and made the Electors drunk every day with Sack. It cost him, they say, £100 to be chosen."

(r) See in the Debates of Feb. 19 and 23, and March 1, much on the Constitution by King, Lords, and Commons. It is said, "The Government hath been interrupted *de facto* and put out of practice, but the Right cannot be taken away. The People of England have a Right to the Single Person and two Houses of Parliament."

(s) Sir Arthur Haselrigge had the rare merit of being consistent. He was one of the excluded Members in the Third Parliament, and his name, with that of Thomas Scott, is the first in the List of 93 Remonstrants, Sept. 19, 1656. Jan. 25, 1658, being chosen by

I hope all foundations of that kind will perish like the Gourd. The Act confirms 112 Acts and Ordinances of that Council, and nought at all read but the Titles. The Act was never so much as read. The Petition and Advice is, it seems, our Magna Charta. The Intention of this Petition and Advice was set above all the Laws of the Nation. 1659.
A. D.
CAR. II.
11

Resolved. The Petition for Reading to be dismissed. It lay between the Mayor and Aldermen on one party, and the Commonalty on the other. Records from Edw. I., never questioned till 1640, were for the Commonalty.

March 21. The Debate is resumed on the Scotch and Irish Members.

Mr. Annesley. "This House has all along dispensed with Acts of Parliament; as in case of non-residency. If the Union were not for the Interest of England, I should be the first to withdraw."

Mr. Boscawen. "The Union was made but by the sag end of the Long Parliament. Scotland will not think themselves obliged to keep that Union, longer than till they can break it."

Colonel West. "As not one native may be here, then Sixty, (30 for Ireland and 30 for Scotland) are the Quorum; and it may happen that it will be in their power to impose Laws upon us."

Resolved. That the Members returned to serve for Scotland, shall continue to sit as Members during this present Parliament.

March 22. Reports are made on Elections, and a Special Report on Colchester.

Debate is resumed on the Irish Members.

Sir Henry Vane. "Ireland is but a Province. They had Power there to have a Parliament, and the Royal Assent came from hence. They are still in the State of a Province, and you MAKE THEM A POWER, not only to make Laws for themselves, but for this nation; nay, to have a Casting Vote, for aught I know, in all your Laws. It changes the very Constitution of a Parliament of England. How can you then carry on affairs? There will still be a Worm at the Root." (1)

March 23. The Debate on Ireland is resumed.

Major Ashton. "I am a Member for Ireland. The Members that come in for that place serve no more for Ireland than for England. Ireland was anciently a Province. Henry II. went thither, and they made a Resignation of their Power to him, by Confirmation of the Pope. He granted it to his Son, John, but so 'UT NON SEPARETUR AB ANGLIA.' King John went into Ireland, and ordained by Act of Parliament, that Ireland should be governed by all the Laws of England.

"10 Hen. VII. came in the Statute of Poynings, which made the Statute Laws also the same in Ireland, only they had Parliaments, as being most fit for that Nation.

the People to sit in one Assembly, and by Cromwell to sit in another, he in preference took his Place in the Commons' House. He gives, however, the following reason for his preference (Feb. 2-58) "I will not take the Bishops seat, because, I know not how long after, I shall keep the Bishops' Lands. For no King, no Bishop; no Bishop, no King: we know the Rule. I do not aspire to be higher than a Commoner of England." On the 7th Feb. 1659, he enters into a long detail on the History of past Governments, and spake severely of the "Instrument of Government, contrived to serve the Protector's turn."

(1) In allusion to these Debates, Secretary Thurloe to H. Cromwell, says, March 22 1659, "it is a miracle of Mercy that we are yet in Peace, considering what the Debates are, and what underhand working there is to disaffect the Officers of the Army." State Papers VII. 636.

1659.

A. R.

Car. II.

11

"In a Parliament held that year at Drogheda, it is Enacted that all Statutes made in England, &c., from henceforth be deemed effectual in Law, and be accepted, used and executed, within this land of Ireland, in all points.

"I think it best that they should have Parliaments of their own, for the very reason, THAT VOTES MAY NOT BE IMPOSED UPON YOU HERE.

"When the War broke out, (17 Car.) England had great care not to lose Ireland, and once had gained it almost all, till Ormond's and Inchiquin's Revolt. In 1653, you had a total recovery of that nation. The first Tax that was laid upon them was by the Parliament, 1653, to encourage your Plantations, &c. Then comes the Parliament 1656, and attaints all the Rebels. Till then, there was no Power to dispose of their Estates. All was brought in to his Highness; £9,000 per mensem, imposed on them to this day. Now, if the Long Parliament, and all Powers since, have the care of us hitherto, how come we now to be shaken off? Will you lay a Tax upon us, and we have no Representatives? If the Petition and Advice be a Law to impose Taxes on us, surely it is, as to our right of sitting here. You will either refund our Money, and give us a Parliament of our own, or else allow us our possessory Right. We are not here as Trespassers, but in obedience to your Service."

Mr. Ceven. It were better for England and Ireland, that they had Parliaments of their own.

Mr. Thomas. How does it consist with our Privilege to admit Strangers?

Mr. Annesley. England is in no danger of 30 Members from Ireland, but if 30 from Scotland should join them, much mischief might ensue.

March 24. On a Report from the Committee of Privileges, it is said—"Before the Statute 5 Henry V., the Sheriff's always took Bail of Members to appear. It was so troublesome to sit in Parliament, and the Boroughs not able to pay wages, therefore they got Strangers chosen that were able to bear their own charges. It is an adjudged case, that the Law touching Residency and Freeman, is an obsolete Law. If admitted for Law, many must go out."

Resolved, that the Members returned to serve for Ireland shall continue to sit in this present Parliament.

March 28. Resolved, (198 against 125), That this House will transact with the Persons sitting in the other House, as an House of Parliament, during this present Parliament, and that it is not hereby intended to exclude such Peers as have been faithful to the Parliament from their Privilege of being duly summoned to serve as Members of that House. (u)

April 6. Resolved. In all Messages unto, and at a Conference with the other House, the like respect is to be observed by the Members of this House and no other, than is observed by the Persons sitting in the other House.

April 8. Resolved. Messages from this to the other House to be carried by Members of this House, and Messages from the other House not to be received, unless brought by Members of their own number.

(u) Divisions in February were 173-155; 145-112; 191-169; 200-153; 273-134; 302-110; 217-96; 119-77; 176-98; 177-113. In March 173-149; 198-168; 191-168; 181-203; 160-149; 197-160; 184-116; 211-130; 130-95; 119-113; 186-106; 183-146; 169-89; 158-125.

April 13. Resolved. Orders and Resolutions of this House 1659.
not to be printed without Special Leave.

April 14. Resolved. The Persons delivering a Message to the
Persons in the other House to return without staying for an answer. A. B.
Car. 11.
11

April 15. Mr. Bampfield is chosen Speaker, on the death of
Mr. Chaloner Chute. (v)

April 18. A Debate occurs on the Army.

Lord Falkland. "You have been a long time talking of the
Three Estates. There is a Fourth, which if not well looked to,
will turn us all out of Doors. They have not only made Resolu-
tions, but have had the impudence to print them. I am against
their meetings and would have them suppressed."

Mr. Swinfen. "This is a Council directly contrary from a
Council of War. It is not known to the Laws of War, nor to
the Laws of the Nation. The danger is a great deal. It fills
the People with fear. People talk what will become of the
Parliament. It weakens the reputation of the Parliament.
After the meeting of the Officers, may be that of the Soldiers."

Mr. Hungerford. "You ought not to suffer any without
doors to descant upon your Resolutions."

Mr. Scot. "It can never be policy to distrust those you are
obliged to trust. A Declaration was passed to make the Army
Traitors. Some few of us were against it and moved *how will*
you bring them to justice unless you raise another Army? You
were fain to eat that vote next day."

Colonel Terrill. "I have looked upon all transactions since 48,
as upon a *Military Power*. I am as much against the imposing
upon you as any man; but I fear the like consequences as former
votes of this kind have had. What power have we to enforce
our votes?"

Lord Falkland. "The Army hath done well it is true; but
we cannot but remember they have done ill; pulled us twice
out by the ears."

Resolved. During the sitting of Parliament, there shall be
no general Council or Meeting of the Officers of the Army,
without the direction and authority of the Lord Protector, and
both Houses of Parliament.

April 22. Resolved. None of the Members to depart out of
the House, and all Strangers to depart.

This Day, The Parliament is *Dissolved* by Proclamation. (w)

(e) On the 16th April a Report is made of the Finances as follows.

| | £ | s. | d. |
|---|-----------|----|----|
| Annual Income of England, Scotland, and Ireland | 1,864,717 | 9 | 0 |
| Annual Expenses | 2,701,540 | 15 | 4 |
| Balance deficient | 80,623 | 6 | 4 |
| Whole Debt | 2,222,090 | 0 | 0 |
| Debts owing to Commonwealth | 358,938 | 10 | 11 |

Here Mr. Burton's MS. finally closes. "All that can now be recovered, (says the
Editor.) respecting the Proceedings on the last day of this Parliament, I subjoin from
the Journals."

With the true spirit of Prophecy, Lord Lambert, on this day, exclaimed, "*This*
House is a Fluid Body that is gone!"

(w) From this moment, Richard Cromwell was no longer considered as Protector, and
May 25, acquiesces in the new arrangement by which the Republican government was
restored. In consequence of the Letters sent, about 50 Members of the Long Parlia-
ment (1648-1653) returned with their Speaker, Lenthall, and resumed their seats in the
Chapel of St. Stephen. The whole number, finally, amounted to nearly 100. This
Parliament bore the name of "The Rump."

The Commons Journals have no Proceedings between April 22 and May 7.

1659.
A. R.
Car II.
11

May 7. (Saturday.) A Declaration is read of the Officers of the Army insisting that the Members of the Long Parliament who continued sitting till the 20th April, 1653, shall return, in exercise and discharge of their Trust.

Resolved. Letters to be sent requiring the attendance of the several Members of the present Parliament, "the Parliament of this Commonwealth being, by God's blessing, restored to Freedom, and the Right of Sitting, where they were interrupted on the 20th April, 1653."

May 9. Ordered. Such Persons, heretofore Members of this Parliament, as have not sat since 1648, and have not subscribed the Engagement, shall not sit till further order.

May 13. The Citizens of London, in a Petition, express the "joy of their Hearts." The Army and the County of Herts send their Congratulations.

May 14. Ordered. H. Middleton, Esq. to be Serjeant-at-Arms during Mr. Birkhead's indisposition, and Thomas St. Nicholas, Esq., Clerk of Parliament.

The Council of State is elected.

May 18. Ordered. A Committee to examine the Journal Book since the last sitting of this House, and consider what is fit to be expunged.

May 23. Ordered. W. Lenthall, Esq., Speaker of the Parliament, to be Keeper of the Great Seal of the Commonwealth.

May 24. The States' Ambassadors are received.

May 31. Ordered. Mr. Speaker to take the Chair at 8, and the Council of State and Committees of this House to forbear to sit after 8, and then to give attendance on the service of this House. The House to rise at 12. (x)

July 11. Resolved. Persons claiming benefit of Indemnity, or Pardon, shall make and subscribe a Declaration, "I do declare, that, through the gracious assistance of Almighty God, I will be true and faithful to this Commonwealth, WITHOUT A SINGLE PERSON, KINGSHIP, OR HOUSE OF PEERS."

July 19. Ordered. A Bill to prevent false Rumours and scandalous Reports. (y)

August 8. Resolved. A Fine of £100 to be set upon the head of Mr. Peter Brooke, a Member, for not giving his attendance; also, upon Edmund Dunch, Esq.

Resolved. A Fine of £20 to be set upon every Member absent on Call, and not fined a greater sum, or excused; and any Member absent, on a Call this day fortnight, to be fined £100.

Aug. 9. Information is received, That Charles Stuart, by name of Charles II., has been proclaimed at Wrexham, and other Places in Cheshire.

Aug. 10. A Grand Committee is held on the Union of Scotland with England.

Sept. 23. Resolved. "The humble Petition and Propositions of the Officers under Right Honourable the Lord Lambert, are unseasonable and of dangerous consequence."

(x) Divisions in April were 94-62; 135-96; 136-102; 127-114; 114-100; 82-79; 110-53; 132-115; 187-63. In May, 25-19; 32-23.

(y) Divisions in June were, 43-15; 30-25; 39-32; 28-33; 23-23; 42-22. In July, 36-19; 26-22; 36-23; 31-28; 43-94; 40-30; 24-17; 21-18; 19-18.

Many Petitions of Congratulation had been received from the Counties of Bucks, Oxon, Kent, Somerset, Beds, Wilts, Middlesex, and from the Sheriff and Aldermen of London, Dublin, and Berwick upon Tweed. Heartly Thanks are voted to the Petitioners.

Sept. 30. The House is called. Thirty-three Members are fined from £5 to £100. The Question as to Five, is negative. (x) 1659.

Oct. 1. The House accepts an Invitation to dine with the Lord Mayor, at Grocers' Hall, on the 6th. A. R. Car. II. 11

Oct. 3. A Debate is renewed as to filling the House with Members.

Oct. 13. The principal Officers of the Army, whose Commissions were vacated, draw up Forces in and about Westminster, obstruct all Passages by Land and Water, place guards about the Doors of the Parliament, and interrupt the Members from coming to the House.

Dec. 26. Orders are made for the payment of the Soldiers, &c., and the LONG PARLIAMENT is again restored. (u)

Dec. 29. Resolved, this House doth approve of what General Monck hath done in placing and displacing of Officers, who are hereby confirmed in their respective Offices and Places. Hearty thanks to be given to Gen. Monck for his Fidelity and faithful Service.

Dec. 30. Sixty Two Members are Reported as present. They elect the Council of State. (b)

January 2. (Monday.) An Oath for the Council of State, and all Members of the House is adopted—"I do hereby swear, that I do renounce the pretended Title or Titles of Charles Stuart, and the whole line of the late King James, &c." 1660.

Jan. 3. Resolved, Writs to be issued in places of Members who are dead, and a qualification to be brought in. 11

Jan. 7. Resolved, An Entry made by Mr. Scobell in the Journal Book, 20 April, 1658, "This day the Lord Gen. dissolved this Parliament," TO BE EXPUNGED.

(x) Divisions in August were 23-16; 25-22; 34-21; 30-27; 29-18. In September, 27-20; 31-25; 19-18; 21-16; 31-17; 25-15; 38-13; 33-17; 25-22.

(a) Clarendon says xvi. 715. "The Members were not many who were alive and suffered to meet as the Parliament. They were also dispersed into several Places."

Prynne in his admirable Brief Register Kalendar and Survey of Parliamentary Writs, tells us that 200 Members were upon this occasion excluded. He says, "The exigence of our affairs and strange votes of a few Commoners, Jan. 5, 1659, creating themselves a Parliament, without a King or House of Lords, and adjudging above 200 Members to stand discharged from voting or sitting as Members of this Parliament, and that Writs do issue to elect new Members in their places behind their backs, (as being either afraid, or ashamed to look them in their faces,) without naming any one of them, and that before the least legal accusation, hearing, trial, or conviction whatsoever, of any delinquency, except only their loyalty, sincerity, fidelity to their King, Country, the Rights and Privileges of Parliament, constant adhering to their original Trusts, Oaths, Protestations, Covenant, &c., Principles of Piety, Honesty, Christianity, and their Abomination of all Treachery, Perjury, Jesuitical Practices and destructive Public Innovations, contrary to the express Word of God, the Fundamental Laws, Statutes and Government of this Realm, and the tenor of the Writs and Indentures whereby they were made Members, &c., hath caused me to publish this Chapter by itself, wherein I have, as elsewhere, made good to all the world, by Records, Precedents, Judgments in Parliament, Law, Reason and Divinity too, that the whole House of Commons, in its greatest fullness, freedom and power, never had any lawful Right, or Authority, upon full hearing, evidence, conviction, to expel any single Member of the House, for breach of Trust, or other misdemeanor whatever (no more than one Judge, Justice, Commissioner, Committee or Grand Jurymen, to unjudge, uncommission, discharge, or eject another, being all equals, equally intrusted by the People, and having no power of Judicature, over each other) without the Lord or King's Consent, in whom the Sole Judicature in our Parliaments resides, much less the Tenth Part of the House of Commons, (sitting under a visible force, &c.) to eject the Majority of the House, &c., by the mere Club-Law of Pellitur e medio Sapientia, Vi geritur Res." Which unparalleled injustice neither these excluded Members, nor yet the Counties, Cities, and Boroughs for whom they serve, nor the Free-born English Nation, &c., will patiently endure to their own and the Nation's Infamy, the ruin of our Parliament's Constitution and Privileges, if connived at in these times of sad distraction." Second Part, pp. 178-9-1660.

(b) Divisions in October were, 50-15. In December, 30-17.

From Oct. 13 to Dec. 26, the Commons Journals have no Entries.

1660.
A. R.
Car. II.
11

Jan. 9. Sir Henry Vane is disabled, on charges since the last interruption of Parliament.

Jan. 12. *Resolved.* This House doth approve of what Gen. George Monck hath done in marching into England, and an Act, approving and justifying him, to be brought in.

Jan. 13. Mr. Sey is appointed, on the indisposition of the Speaker.

Resolved. Col. Sydenham, a Member, to be discharged, and Major Salway suspended, and committed to Tower.

A. R.
12

Feb. 1. (*Wednesday.*) *Ordered.* The Custody of St. James' Park to be granted unto Commissioner, Gen. G. Monck.

Feb. 4. *Resolved.* This House shall be filled up to the number of 400 for England and Wales, and the distribution be as agreed in 1653.

Feb. 8. *Resolved.* All and every Person or Persons seized of an Estate or Freehold in Possession in his own Right, or of his Wife, of the yearly value of 40s., above all Reprizes, to be capable to elect Members to serve in Parliament for the respective Counties of England and Wales, so as he or they be not disabled by the Act, &c.

Resolved. Such Persons who have advised or aided the Rebellion in Ireland, or are of the Popish Religion, are hereby disabled, and made incapable for ever, to be elected, or give any Vote in Election of any Member to sit or serve in Parliament, unless employed by this Parliament since the 7th of May, 1659, and who have since continued faithful.

Feb. 11. *Resolved.* All who since Feb. 1, 1648, have been engaged, &c., on behalf of Charles Stuart, or any of the line of the late King James, to be disabled to be elected, or to give any vote.

Feb. 13. *Ordered.* The Members of this House who have acted at the pretended Committee of Safety, to appear this day Se'nnight.

Ordered. Henry Scobell, Esq. and Mr. Robinson, late Clerk to the pretended Committee of Safety, to be sent for; and all Papers touching the Draught of a Government.

Resolved. All Persons, who, after the first of Jan., 1659, have advised a Single Person as Supreme Magistrate of England, Scotland or Ireland, to be incapable, &c. as above.

Feb. 13. One Hundred and thirteen Members are Reported as Present. They elect the Council of State.

Feb. 25. George Monck, Esq. is, by Act, appointed Commander-in-Chief, &c. &c. (c)

March 1. (*Thursday.*) *Resolved,* The Time of Dissolution of this Parliament, shall be at or before the 15th day of this instant, March.

March 5. *Ordered,* The Solemn League and Covenant to be set up and read in every Church once a-year.

March 7. Colonel Rich and Sir Arthur Haselrigg are, by leave of the House, examined by the Council of State, on Informations against them.

March 13. *Resolved,* The Engagement appointed to be taken by Members of Parliament and others, "I do declare and promise that I will be faithful to the Commonwealth as now established, without a King or House of Lords," SHALL BE DISCHARGED AND TAKEN OFF THE FILE. ALL ORDERS ENJOINING THE TAKING OF THE SAME TO BE EXPUNGED, &c., and Mr. Pryn and others to see the same expunged accordingly.

(c) Divisions in January were 25-15; 25-15; 24-15; 19-17; 23-16; 37-22; 34-17; 22-16. In February, 35-16; 30-15; 21-21; 36-26.

March 13. On Question, Whether all who have been in Arms for the late King or his Son, shall be disabled; the NOES are 95, the YEAS 53. 1660.
A. R.
Car. II.
12

On a Clause, That if any Elector, disabled, give his voice at Elections, he shall forfeit £10, the NOES are 75, YEAS, 56.

March 14. A Bill is reported for restoring W. Lenthall, Esq., Speaker of the Parliament.

Resolved. Twenty thousand pounds is hereby conferred on His Excellency Lord General Monck.

Resolved. Dr. Wren to be discharged of his Imprisonment in the Tower; and a Power to the Council of State to discharge any other Person or Persons imprisoned upon any Crime committed against the State.

March 16. A Bill is read a third time for *Dissolving* the Parliament begun and holden at Westminster, 3d Nov., 1640, and for calling and holding a Parliament on the 25th April, 1660: with a Proviso, "THAT THE SINGLE ACTINGS OF THIS HOUSE ARE ENFORCED BY THE PRESSING NECESSITIES OF THE PRESENT TIMES, &c." (d)

CHARLES II.

April 25. (Wednesday.) The First Parliament meets. 1660.

In the *Lords*. Present, the Earls of Northumberland, Lyncolne, Suffolk, Denbigh, Viscount Say and Sele, Lords Wharton, Hunsdon, Grey de Warke and Maynard. The Earl of Manchester is appointed Speaker. A. R.
12

Ordered. Whereas Henry Scobell, Esq. is in possession of the Dwelling House in the Old Palace, at Westminster, belonging to the Clerk of Parliaments, and hath, in his Custody, the Acts, Journals and other Records of the House of Peers, the said H. Scobell do deliver them unto John Browne, Esq., Clerk of Parliaments, and possession of a certain Stone Building standing within the said Dwelling House, commonly called the Tower, wherein the Records are usually kept. Adjourned "in diem crastinum hora nona Aurora."

The Commons attend a Sermon, and repair to the Parliament House.

Sir Harbottle Grimston, elected Speaker, is conducted by Lord General Monck, Mr. Holles and Mr. Pierpont.

W. Jessop, Esq. is chosen Clerk of the Commons' House of Parliament; James Northfolke, Esq., Serjeant-at-Arms; and Ralph Darnall, Esq., Clerk Assistant.

The Clerk of the Crown delivers a Book with the Returns and the House is called.

April 26. Ordered. Earls coming after Prayers to pay 2s. and Barons, 1s.

The *Lords* agree as to a Thanksgiving for God's great mercy in delivering the Nation out of their long "THRALDOM, CONFUSION, AND MISERY."

(d) "This Dissolution, says Clarendon, xvi. 720-725, was against all the importunities of the Sectaries, (Persons generally of no Degree or quality, and notorious only for some new Tenet in Religion, and for some barbarity exercised upon the King's Party,) but to the unspeakable joy of all the rest of the Kingdom." "The contention was only between the Presbyterian Republicans on one side, and the Independent Levelling party on the other, for Superiority, and who should steer the government of the State."

1369.

A. D.

12

Ordered. Mr. H. Barker, Deputy to the Clerk of the Crown in Chancery, to sit in this House, as an Assistant.

Resolved, in the *Commons*, that H. E. Lord General Monck, shall receive the Recognition, Acknowledgment and hearty Thanks of this House, for his unparalleled services done for these Nations.

April 27. Present in the Lords' House, the Earl of Manchester, Speaker, the Earls of Oxon, North, Derby, Rutland, Bedford, Pembroke, Lyncolne, Notts, Suffolk, Dorsett, Bridgwater, Warwick, Denbigh, Middlesex, Bollingbroke, Rivers, Winchilsey, Strafford; Lords Viscounts Hereford, Say and Sele, Conway; Lords De la Warr, Berkely (with a Salvo Jure) Wharton, Hunsdon, Petre, Gerrard, Tenham, Grey de Warke, Deincourt, Craven, Maynard, Howard de Escricke, Capell. (e)

May 1. (Tuesday.) The Earls of Sarum, Stamford, Carnarvan, and Lords Morley, Chandos, Brooke and Bruce attend.

Resolved, The Lord Chief Baron of the Exchequer and the Master of the Rolls to attend as Assistants.

A Letter and Declaration from the King is received. (f)

The *Commons Resolve, nemine contradicente*, That an Answer shall be prepared to His Majesty's Letter, expressing the great and joyful sense of this House of his offers, and their humble and hearty thanks to his Majesty for the same; with Professions of their Loyalty and Duty to His Majesty.

Resolved, That His Majesty's Letters and Declaration be entered at large in the Journal Book, and be printed and published and that the Lord General do communicate the same to the Officers and Soldiers under his Command.

Resolved. Sir George Booth to let the Lords know, that this House is ready for a Conference as their Lordships desire. Report is made from the Conference. The EARL OF MANCHESTER acquainted the Committee of a Letter from His Majesty. "It was a maxim; where the word of a King is, there is Power; and where the word of our King is, there is Truth; and Power and Truth are the best Supports of Government. He took notice of some new State Builders that had been forming imaginary States of Government, which brought into consideration our ancient Government, the best in the world. That the Lords had voted, that according to the ancient and fundamental Laws of this Kingdom, the Government is, and ought to be, by King, Lords and Commons; that having a deep sense of the miseries and distractions this Kingdom hath been involved in since the violent attempts to dissolve the established Government, and conceiving that the separating of the Head from the Members hath been the chiefest occasion of all our Disorders and Confusion, they desire some ways may be considered how to make up these Breaches and to obtain the King's return again to his People: That they desire a Committee of the House of Commons may be appointed to meet one of the Lords, to prepare such things as may be in order to these good and necessary ends, and to frame a Letter of Thanks and Acknowledgment to His Majesty for his gracious Letter and Declaration."

Resolved. The Commons do agree in all things with the House of Lords.

(e) Divisions in *March* were, 67-45; 62-47; 67-52; 84-66; 76-29; 92-66; 73-56; 44-37. In *April*, there are no Divisions.

(f) "From this time, 'Charles Stuart' was no more bear of, and so universal a joy was never seen within the walls of the House."

Ordered. A Committee to peruse the Journal and Records as to any PRETENDED ACTS OR ORDERS WHICH HAVE BEEN PASSED, AND ARE INCONSISTENT WITH THE GOVERNMENT OF KING, LORDS, AND COMMONS. 1660.
A. R. 12

May 2. The Duke of Bucks attends the House of Lords.

Ordered. The Committee of Privileges to consider the great violation that hath lately been made upon the Peerage of the Kingdom.

The *Commons Resolve*, that Sir J. Greenville, who brought his Majesty's Letter, shall receive the Thanks of the House, and £500 to buy a Jewel, as a Testimony of Respect, and as a Badge of Honour.

May 3. The *Lords Order*, that the King be prayed for, and his Arms set up.

Mr. Speaker gives the Thanks of the House to Sir J. Greenville. "Our Bells and our Bonfires have already begun the Proclamation of his Majesty's Goodness and of our Joys. We have told the People of England, that our King, the Glory of England, is coming home again, and they have resounded it back again in our Ears that they are ready, and their Hearts are open to receive him. Both Parliament and People have cried aloud to the King of Kings in their Prayers, 'Long Live King Charles the Second.'"

May 4. Report is made on the case of Lord Sandys' Peerage.

An Order is made in the *Lords* to vacate the Judgment against the Nine Lords, 20 July, 1642.

May 5. An Act passes the *Commons* "for removing and preventing all Questions and Disputes concerning the Assembling and Sitting of this Free Parliament."

Resolved. In all cases where the Great Seal is used, Proceedings shall go in the King's Name.

Resolved. A Stop and Stay shall be put to the Sequestrations of the Duke of Bucks and Lord Craven.

The *Lords* revive an Order, that Peers shall be assessed by themselves, and not by the Commissioners of the Militia.

May 7. The Houses *Resolve*, that the King shall be Proclaimed To-morrow, and that certain Lords and Commons shall attend his Majesty with an Answer to his Letter.

May 11. The Commissioners for the Kingdom of Ireland, pray the Lords and Commons to concur in an Address to his Majesty, for *calling and holding the Parliament there, as formerly*, as a Remedy for the unsettled condition of that Kingdom.

The Houses agree to address his Majesty, that he may be graciously pleased, upon the repair of Commissioners to him from that Kingdom, with all convenient Speed to call a Parliament to consist of Protestant Peers and Commons.

May 12. An *Order* is made to obtain Creation Money due to Peers.

Mr. Lenthall, a Member of the Commons, having said, "He that first drew his Sword against the King, committed as high an offence as he that cut off the King's head;" which, in the judgment of the House, hath as high a reflection on the justice and proceedings of the Lords and Commons in the last Parliament, in their Actings before 1643, as could be expressed, is ordered to be sharply reprehended, as tending to render those that drew the sword to vindicate their just liberties, unto a balance with them that cut off the King's head.

May 14. Resolved. All the Persons who sat in judgment on the late Kings' Majesty, &c. to be secured.

1660.

A. D.

12

May 15. The Lords appoint a Committee to repeal all Ordinances made since the Lords were interrupted.

The Commons Resolve that John Bradshaw, Oliver Cromwell, Henry Ireton, Thomas Pride, deceased, shall be of those attainted for murdering his late Majesty.

May 16. The Lords, on a Patent of the late King, restore Serjeant Birkhead to Office, for his natural life.

The Commons Resolve, That the Burgesses at large have a Right to elect for Higham Ferris, (Northamptonshire.)

May 17. The Lords Order inquiry as to the Prayer formerly used in their House.

May 18. The Marquis of Hartford attends the Lords' House. The Commons Resolve that the Burgesses at large are to elect for the Borough of Great Yarmouth, Norfolk.

Resolved. The Freemen in general, and not only such as pay Scut and Lot, are to elect for the Borough of Hindon, Wilts.

May 19. The Lords, at a Conference, cannot agree to certain votes brought up touching the King's Judges, as they do intrench upon the Ancient Privilege of their House in Judicature, in Parliament, which is solely in the Lords' House.

May 21. The Lords declare their opinion that a Council of State is not in being, and that Emergencies, during His Majesty's absence, should be transacted by a Committee of Lords and Commons.

The Marquis of Winton attends the House.

Resolved in the Commons, The Commonalty, together with the free Citizens, have Right of Election for the City of Chichester, as appears by a Return of 21 Parliaments.

May 22. A Free Conference is held on the Judicature of the House of Peers.

May 23. The Commons Resolve on the Return for the Borough of Tavestock, that the Freeholders and Inhabitants at large have a Right to elect; and the same as to Ludgershall, Wilts.

Resolved, that the word Burgenses in the Charter of the Borough of Abington, Berks, extends to the Inhabitants within the Borough.

May 29. The Houses wait on the King at Whitehall. The EARL of MANCHESTER addresses His Majesty.

The Commons Resolve, nem con., That the King's Majesty be pleased to give order that the Oaths of Allegiance and Supremacy be administered, according to the Laws and Statutes of the Realm, now in force.

May 30. The Commons Resolve that a Bill be brought in for a Perpetual Anniversary of Thanksgiving to God, for the great blessing and mercy he hath been graciously pleased to vouchsafe to the People of these Kingdoms, in the Restoration of His Majesty to his People and Kingdom, being the Birthday of His Sacred Majesty, and the day of His Majesty's Return to His Parliament.

May 31. The Lords vacate the Order for excluding "the Lords made at Oxford."

The Dukes of York and Gloucester take their places in Parliament. There are present also, 1 Duke, 1 Marquis, the Lord High Chamberlain, 30 Earls, 5 Viscounts, 29 Barons.

The Commons Order Mr. Speaker to grant Warrants for all Places where Members are wanting.

June 1. (Friday.) The Lord Chancellor (Hyde) sits as Speaker. The King is Present: as are also 3 Dukes, the Lord

High Chamberlain, 2 Marquisses, 36 Earls, 5 Viscounts, 33 Barons. 1660.

A. R.
12

June 2. The *Commons Order*, that after this day, no Member shall sit before he have taken the Oaths of Allegiance and Supremacy.

June 4. The Right Honourable James, Marquis and Earl of Ormond, Lord Lieutenant of Ireland, and Lord Steward of the King's Household, comes into the Lobby of the House of Commons, where a Table and Chair being prepared, his Lordship gives the Oaths to several Members and others, whom he deputed to administer the same in his Absence.

The *Commons Resolve*, that the Election for the City of Exeter, is by the Freemen, and not by the Freemen and Freeholders together.

June 8. The *Commons Resolve*, by 160 against 131, and 153 against 135, that the number of 20 and no more of those who sat as Judges, &c., shall be excepted from Pardon.

June 9. The *Lords Resolve*, that it is the Duty of the Lord Chancellor, or Lord Keeper of the Great Seal, ordinarily to attend the Lords' House of Parliament, and in case either should be absent, and there be none authorized under the Great Seal from the King, the Lords may choose their own Speaker, during the Vacancy.

The *Commons Resolve*, that the Mayor and Commonalty of Plymouth, (not the Mayor, twelve Aldermen, and 24 Burgesses) have Right of Election.

June 11. Mr. Pryn *Reports*, that those who have taken the Oaths are 455, and he knows not that any sitting Member hath refused to take it.

June 13. The Lords allow Privilege and removal of his Sequestration, to Lord Montague, under Sequestration as a Recusant, though never Convicted, which is Contrary to Law and his Privilege as a Peer.

Sir Orlando Bridgman, Lord Chief Baron, by Commission under the Great Seal, is appointed Speaker in the Lord Chancellor's Absence.

Lord Viscount Purbeck is brought to the Lords' Bar as a Delinquent, for *Refusing his Peerage*, saying he was a Member of the House of Commons, and would not come on the Lords' Order.

Orders are made for discharging the Sequestrations from the Estates of many Peers.

June 16. The *Commons Order* Mr. Attorney-General to proceed against John Milton, in respect of two Books, "Pro Populo Anglicano Defensio," and "Portraiture of his Sacred Majesty," and against John Goodwin for the "Obstructors of Justice."

June 19. The *Commons Resolve*, that the Subsidy of Tonnage and Poundage be given to His Majesty for Life.

June 20. It is *Resolved*, in the *Commons*, That the Mayor and 24 Freemen of the Borough of Truro have the Right of Election.

June 21. *Resolved*, a new Writ for Scarborough, in place of Mr. Luke Robinson, discharged.

Resolved, The Bailiffs, Aldermen and 48 Common Councilmen, together with the Commonalty, have Right to elect for Northampton.

June 26. Edward Gibson, Grandchild and Heir to John Sutton, Lord Dudley, claims the Barony.

June 27. The *Commons Resolve*, That no Person shall print any Votes or Proceedings of the House, without Special Leave.

June 29. His Excellency Lord General Monck, called to the Lords' House, takes leave of the Commons.

1667.

A. R.

12

June 30. The Lords make an Order against printing their Proceedings without Authority. (g)

July 3. (Tuesday.) The Commons Order a new Writ for Maidstone, Mr. Serjeant Twisden being called to be one of the Justices of the King's Bench.

An Act is sent up to the Lords "for the Confirmation and future Preservation of the Privileges of Parliament, and of the fundamental Laws for the Conservation of the Lives, Liberties and Properties of the Subject."

July 7. The Commons allow Sir Anthony Irby to appear in the Court of Chancery, on a Subpœna.

July 9. On a difference between the Serjeant-at-Arms and the Gentleman Usher, concerning Execution of Warrants, the Lords Order and Declare, "This House reserves the Power to themselves to employ what Persons they think fit, &c."

July 10. In a Bill for Poll Money, the Commons adopt an Amendment, "That every Popish Recusant or other, above 18 years of age, shall pay double the Rate and Proportions imposed upon the same Degree, Rank and Quality."

July 12. The Commons Resolve that the Bailiff and 12 Burgesses have a right to elect for the Borough of Buckingham.

July 13. The Duke of Albemarle is introduced in the Lords. It is moved, that the Earl of Banbury, whosits, has no Title to be a Peer.

The Commons desire a Conference on a breach of Privilege, Black Rod having refused to deliver up a Prisoner of their House, sent up, at the Lords' desire.

July 16. The Lords Order matters derogatory to the King and Peers to be expunged from the Journals.

Report is made on Precedents of Surrender of Dignities to the Crown, Lord Purbeck saying that he may legally surrender his Title.

The Commons Resolve that the Freemen at large (not the Portreeve and 12 Burgesses) have the Right of Election for St. Ives.

They Resolve, also, that the Free Burgesses seized for Life, or in Fee, of Borough Lands and Houses, (not the Freemen at large) have a Right to elect for Clitheroe.

July 18. The Commons Resolve, that 24 claiming by Custom, (2 Elizors nominated by the Lord of the Manor and 22 Freemen chosen by the said Elizors) have the Right of Election for the Borough of St. Michells, Cornwall.

July 20. A Committee is appointed to examine a breach of Privilege, Mr. Swanton, a Member, having been summoned with a Warrant from the House of Lords, to be examined in a cause there.

July 21. The Commons Resolve, that the first Clause in a Bill of Tonnage and Poundage shall be, "The Commons assembled in Parliament, &c,"

July 24. Lord Montague, called by Writ to the House of Peers, takes leave of the Commons, and on the 26th, is introduced in the Lords, as Earl of Sandwich.

Mr. Rushworth, a Member of the Commons, has Leave to attend the Lords on some points concerning the death of the late King.

July 25. Sir John Temple, Knight, has Leave to give his testimony before the Lords.

(g) Cases of Privilege in the Lords are (May 2) on a Servant's Arrest; (May 12) on an assault; (June 30) against scandalous words.

The Divisions in May are none. In June, 165-150; 215-126; 147-106; 175-124, 162-133; 160-131; 139-138, 147-101; 153-103; 108-42; 121-87; 162-143.

July 27. In the *Lords*, the Marquis of Ormond, Lord Steward, 1660
is introduced as Baron de Lanthony and Earl of Brecknock.

The King addresses the House.

A. N.

12

July 29. The *Commons Resolve*, "That it be represented to His Majesty, that though by constant course of Parliaments, the House of Commons have used to receive acts of Grace, &c, before they present Bills of aid and supply, yet now, from the entire confidence they have in His Majesty's goodness, and relying upon his Royal Word to pass the same afterwards, they have prepared these Bills to be presented to him."

July 31. The *Lords' House* is called. There are present the Dukes of York and Gloucester, Bucks and Albemarle, Marquisses Winton, Dorchester, and Worcester, the Lord Steward and Lord Chamberlain, 34 Earls, 3 Viscounts, 47 Barons. The Absent are Reported to be 28 Barons, (3 having Proxies,) 4 Viscounts, (1 Proxy,) 24 Earls, (5 *Infra Ætatem*), 3 Marquisses, 2 Dukes, (1 *Infra Ætatem*).

Ordered, the Absentees to pay 5s. each to the Clerk of the House, for the Poor.

The *Commons* allow Mr. Seymour to attend the *Lords*.

Aug. 3. (*Friday*.) The *Commons Resolve*, that the Freemen and Inhabitants of Camelford, paying Scot and Lot, have the Right of Election.

Aug. 7. Ninety-two Peers are present. The List is numbered according to their order in the House.

Aug. 8. The *Commons* pass a Bill to enable the County of Durham to send Knights, and the City of Durham Burgesses, to serve in Parliament.

Aug. 13. The *Commons* give Leave to Mr. Wingfield, a Member, to plead before the *Lords*, not concerning any member of this House.

Aug. 15. The *Commons* agree to certain Amendments of the *Lords* on a Poll Bill, with a *Salvo* touching the Privilege of this House only, to name Commissioners in Bills that charge the People.

Aug. 23. A Patent, granted to the Marquis of Worcester, to be Duke of Somerset, being on conditions not performed by him, he declares his willingness to surrender it.

Robert Cheeke, Esq., claims the Barony of Fitzwater.

His Majesty *avows and declares*, "that the horrid murder of his Royal Father, was not the Act of the Parliament or People of England, but of a very wretched and very little Company of Miscreants in this Kingdom."

The *Commons* declare the humble and thankful sense this House hath of his Majesty's Justice and Favour in making this just defence for the Parliament and People of England.

Aug. 24. Several Acts, or Parts of such, now depending, having been printed by Henry Hill and John Field, the *Commons* order them into Custody.

Aug. 31. The *Lords Order* that payment of Fees on Private Bills be made before the Second Reading.

His Majesty desires a Recess from the 8th of Sept. to the 6th November. (A)

(A) Cases of Privilege in the *Lords* are (July 19) on Arrest of a Peeress's Servant; (Aug. 7) on being sued by *Mean Process*. In the *Commons* (July 19) on a subpoena (Aug. 30) to Mr. Speaker's Chaplain.

Divisions in *July* are, 129-144; 180-151; 163-138; 135-106; 183-112; 125-109; 86-83; 133-78; 219-80; 140-131; 95-67. In *August*, 91-98; 131-113; 197-102; 148-127; 141-116; 140-83; 134-102; 80-70; 80-49; 85-68.

1660.

A. D.

12

September 1. (Saturday.) The Commons desire a Conference, to state, that upon the next Recess, it will be most convenient for the Houses to adjourn themselves. If it should be a Prorogation, or Adjournment by Writ, all Matters depending will be discontinued, and Acts whose Expiration depends upon the end of next Session, will determine, unless continued by a new Act.

The Lords and King agree.

Sept. 4. The Commons Resolve, That the King's Revenue shall be made up £1,200,000 per Annum.

Sept. 6 A Bill passes the Lords restoring the Marquis of Hertford to the Dukedom of Somerset.

Sept. 8. On a Petition of the Houses, His Majesty defers the Adjournment.

Sept. 11. The Commons Order, that William Jessop, Esq., be humbly recommended to His Majesty to be Clerk of this House by His Highness's Letters Patent, for and during his natural Life; and James Northfolke, Esq., as Serjeant at Arms, &c.

Sept. 13. The King passes many Bills; among others, those for restoring the Marquis of Hertford, the Marquis of Newcastle, and Lord Gerard, Baron of Brandon.

The Houses Adjourn themselves to 6th November, at Eight.

November 6. (Tuesday.) The Lord Chancellor is introduced as Baron of Hyndon.

The Commons Order the Clerk of the Crown to return a perfect List of all Members serving in this Parliament.

Nov. 13. The Commons refer to a Committee a Book, intitled "The Long Parliament, by Thomas Phillips, gent.," wherein the Privileges of the House are much concerned.

Nov. 16. Privilege is allowed to Lady D' Acres, on an Arrest.

Nov. 17. Mr. W. Drake, of London, Merchant, Author of a Book, "The Long Parliament Revived," is committed to the Serjeant, and ordered to be proceeded against at Law, for sedition.

Nov. 19. Lord Mohun is allowed Privilege against answering a Suit at Law.

Nov. 22. An Act passes the Lords for restoring the Earl of Arundell, Surrey and Norfolk, to the Dignity and Title of Duke of Norfolk; and passes the Commons Dec. 3.

December 5. (Wednesday.) The Commons allow Privilege to Sir Francis Lawley, against a Trial, &c.

Dec. 8. The Judges make a Report on the Question, Whether certain scandalous words spoken against the Earl of Suffolk be released by the Act of Oblivion.

Ordered, The said Earl to be at liberty to take his Remedy at Law, and no Proceedings before their Lordships to be any Prejudice to the said Earl of Suffolk.

Dec. 10. The Commons Resolve, by 92 against 60. Not to agree with the Committee that the Right of Election for the Borough of Helston, is in the Mayor and Inhabitants at large.

Dec. 13. On passing a Bill for vacating Sir E. Powell's Fine, Edward Hyde, Chancellor, and 25 Peers Protest.

Dec. 17. Report is made on the Lords' Privileges concerning not finding Horses or Arms.

A Bill passes the Commons for restoring H. Lord Arundell, of Wardour.

Dec. 22. The Lords Order that the Officers of the House have leave, as well during the sitting of Parliament, as after, to demand and receive the Fees due from every Peer on the first sitting in Parliament, according to his Rank and Degree.

Dec. 24. The Houses adjourn to the 27th.

1660.

Dec. 28. The Earl of Oxon, the Earl of Derby, and Thomas, Lord Windsor petition concerning the Office of Great Chamberlain. Montague, Earl of Lyndsey, claims the Earldom of Oxon.

A. R.
12

Dec. 29. The King gives his Assent to many Bills; among others, to those of the Restitution of the Duke of Norfolk, Lord Arundell, of Wardour, and of Wentworth, Earl of Roscommon, and then *Dissolves* the Parliament. (i)

May 8. The *Second* Parliament (the Long or Pensionary) meets.

1661.
A. R.
13

Writs are issued to the King's Brother, James, Duke of York, to the Earl of Southampton, Treasurer, the Dukes of Buckingham, Richmond, and Albemarle, the Marquisses of Winchester, Newcastle, Worcester, Dorset, the Earl of Lindsey, (Great Chamberlain of England), the Earl of Brecon, the Earl of Manchester, (Chamberlain of the Household), the *Earls* of Oxford, Northumberland, Shrewsbury, Derby, Rutland, Bedford, Pembroke and Montgomery, Lincoln, Nottingham, Suffolk, Dorset, Salisbury, Exeter, Bridgwater, Leicester, Northampton, Warwick, Devon, Denbigh, Bristol, Middlesex, Holland, Clare, Bullingbroke, Westmoreland, Berks, Cleveland, Mulgrave, Monmouth, Marlborough, Rivers, Dover, Stamford, Peterborough, Winchelsea, Carnarvon, Newport, Chesterfield, Thanet, Portland, Stafford, Sunderland, Norwich, Scaresdale, St. Alban, Sandwich, Clarendon, (Lord Chancellor), Essex, Cardigan, Anglesey, Bath, Carlisle; *Viscounts* Hereford, Say and Sele, Conway, Campden, Stafford, Falconbergh, Mordaunt; *Barons*, *prædilecto et fideli*, Nevile de Abergavenny, Tuchet de Audley, West de la Warr, Berkley de Berkley, Parker de Morley et Montegle, Dacres, Darcie de Darcie, Stourton de Stourton, Sandys de la Vyne, Vaux de Harrowden, Windsor, Wentworth, Cromwell, Evre, Wharton de Wharton, Willoughby de Parham, Paget de Beaudesert, Dudley North, Chandos de Sudeley, Carew de Hunsdon, Petre, Gerard de Gerards Bromley, Stanhope de Harington, Arundel de Wardour, Roper de Tenham, Brooke, Montague de Boughton, Howard de Charlton, Grey de Warke, Roberts de Truro, Craven, Lovelace, Paulet de Hinton St. George, Maynard, Coventrie de Alesborough, Howard de Escrick, Mohun, Herbert de Powys, Herbert de Chirbury, Seymour de Troubridge, (Chancellor of the Duchy of Lancaster), Bruce de Whorlton, Newport de High Arcall, Leigh, Hatton, Hastings de Loughborough, Byron, Vaughan, Smith de Carrington, Widdrington, Humble Ward, Colepeper de Thoresway, Astley, Boyle de Clifford, Lucas, Belasses, Watson de Rokyngham, Gerard de Brandon, Sutton de Lexington, Kirkhoven de Wotton, Langdale de Holme, Crofts, Berkley, Holles de Ifield, Cornwallis de Eye, Delamer de Dunham, Massey, Towneshend de Lime Regis, Ashley de Wimborne S. Eardic, Crew de Stene.

The King, Duke of York, the Lord Chancellor, High Treasurer, 2 Dukes, 3 Marquisses, Lord Great Chamberlain, Steward

(i) Divisions in September were, 99-61; 67-43; 50-54; 60-58; 86-70. In November, 116-96; 181-105; 151-149; 131-117; 171-97; 183-157; 50-46. In December, 126-116; 96-88; 104-90; 92-80; 116-44; 85-45; 114-56; 140-131; 89-82; 80-52; 92-64; 116-86; 24-22; 91-53; 90-54; 104-92.

1661. of Household, Lord Chamberlain, 36 Earls, 7 Viscounts and 50
A. N. Barons, are present. (k)
13

(k) This Parliament consists of, Dukes of the Blood Royal 2
Other Dukes 3
Peers { Marquises 4
Earls 56
Viscounts 8
Barons 19

Total 142

Commons 507

Total 649

The following places return Members:—

| | | | | | |
|-------------------------|---|------------------------|---|----------------------|---|
| Abingdon | 1 | Cirencester | 2 | Ives St. | 2 |
| Agrindsham | 2 | Clifton | 2 | Kellington | 2 |
| St. Albans | 2 | Clithero | 2 | Kent | 2 |
| Aldborough, Suffolk ... | 2 | Cockermouth | 2 | Kingstone | 2 |
| Yorkshire | 2 | Colchester | 2 | Knarsbro | 2 |
| Allerton North | 2 | Corf Castle | 2 | Lancaster Co. | 2 |
| Andover | 4 | Cornwall | 2 | T. | 2 |
| Anglesea | 1 | Coventry | 2 | Lancaster | 2 |
| Apsley | 2 | Cricklade | 2 | Leicester Co. | 2 |
| Arundel | 2 | Cumberland | 2 | T. | 2 |
| Ashburton | 2 | Denbighshire | 1 | Leominster | 2 |
| Aylesbury | 2 | T. | 1 | Lestard | 2 |
| Banbury | 1 | Derbyshire | 2 | Lestwithiel | 2 |
| Barnstaple | 2 | T. | 2 | Lewes | 2 |
| Bath | 2 | Devizes | 2 | Lincoln Co. | 2 |
| Beaumaris | 1 | Devon Shire | 2 | C. | 2 |
| Bedfordshire | 2 | Dorchester | 2 | Litchfield | 2 |
| Bedford T. | 2 | Dorsetshire | 2 | Liverpool | 2 |
| Bedwin | 2 | Dover | 2 | London | 4 |
| Berkshire | 2 | Downton | 2 | Ludlow | 2 |
| Berwick | 2 | Droitwich | 2 | Luggershall | 2 |
| Beverly | 2 | Dunwich | 2 | Lyme | 2 |
| Bewdly | 1 | Eastlow | 2 | Lynn | 2 |
| Bishops Castle | 2 | Edmondsbury | 2 | T. | 2 |
| Bletchingly | 2 | Essex | 2 | Maldstone | 2 |
| Bodmin | 2 | Evesham | 2 | Malden | 2 |
| Beralton | 2 | Exeter | 2 | Malmesbury | 2 |
| Boroughbridge | 2 | Eye | 2 | Malton | 2 |
| Bossiney | 2 | Flintshire | 2 | Marlbro' | 3 |
| Boston | 2 | T. | 1 | Marlow | 2 |
| Brackley | 2 | Fowey | 2 | Mawes | 2 |
| Bramber | 2 | Gatton | 2 | Melcomb | 2 |
| Brecon County | 1 | Germans St. | 2 | Merioneth | 2 |
| Town | 1 | Glamorgan | 1 | Midhurst | 2 |
| Bridgewater | 2 | Gloucester Shire | 2 | Middlesex | 2 |
| Bridport | 2 | C. | 2 | Milbourn | 2 |
| Bristol | 2 | Grampound | 2 | Minehead | 2 |
| Bridgenorth | 2 | Grantham | 2 | Michael St. | 2 |
| Buckingham Sh. | 2 | Grimsby | 2 | Monmouth Co. | 2 |
| Town | 2 | Gristead | 2 | T. | 1 |
| Calne | 2 | Guildford | 2 | Morpeth | 2 |
| Cambridge Sh. | 2 | Harwich | 2 | Montgomery Co. | 1 |
| T. | 2 | Haslemere | 2 | T. | 1 |
| Univ. | 2 | Hastings | 2 | Newark | 2 |
| Camelford | 2 | Haverfordwest | 1 | Newcastle, Staf. ... | 2 |
| Canterbury | 2 | Helstone | 2 | North | 2 |
| Cardiff | 1 | Hereford Co. | 2 | Newport, Cornw. | 2 |
| Cardigan County | 1 | C. | 2 | Hants | 2 |
| T. | 1 | Hertford Co. | 2 | Newton, Lanc. | 2 |
| Carlisle | 2 | T. | 2 | Hants | 2 |
| Carmarthen County ... | 1 | Heydon | 2 | Norfolk Co. | 2 |
| T. | 1 | Heytesbury | 2 | Northampton Co. | 2 |
| Carmarvon C. | 1 | Higham | 1 | T. | 2 |
| T. | 1 | Hindon | 2 | Northumberland | 2 |
| Castle Rising | 2 | Honiton | 2 | Norwich | 2 |
| Chester Co. | 2 | Horsham | 2 | Nottingham Co. | 2 |
| City | 2 | Huntingdon C. | 2 | T. | 2 |
| Chichester | 2 | Hythe | 2 | Okehampton | 2 |
| Chippingham | 2 | Ipswich | 2 | Orford | 2 |
| Chipping | 2 | | | Oxford Co. | 2 |
| Christ Church | 2 | | | C. | 2 |

Receivers and Triers of Petitions are appointed.

James, Duke of Ormond, Lord High Steward, administers the Oaths to the Commons in the Court of Requests.

May 10. Sir Edward Turner, Knight, is presented as Speaker.

The Lord Chancellor, in answer to the Speaker, says, "It is the Privilege, if you please, the Prerogative, and it is a great one, of the Common People of England to be represented by the greatest and learnedest, the wealthiest and wisest Persons, that can be chosen out of the Nation, and the confounding the Commons of England with the Common People of England, was the first ingredient in that accursed dose, which intoxicated the brains of men with the imagination of a Commonwealth, a Government as impossible for the spirit, temper, and genius of the English Nation to submit to, as it is to persuade men to give their Cattle and their Corn to other Men, and to live upon Roots and Herbs themselves. That Munster, Commonwealth, cost this Nation more in her few years, than the Monarchy in six hundred years."

May 11. The Lord Chancellor is introduced as Earl of Clarendon, and is placed next below the Earl of Brecknock.

Arthur, Lord Capell, as Earl of Essex, is placed below the Earl of Clarendon.

Arthur, Earl of Anglesey, below the Earl of Cardigan.

Charles, Earl of Carlisle, below the Earl of Bath.

Denzell, Lord Holles, below Lord Berkeley, of Stratton.

George Booth, Lord Delamer, below Lord Cornwallis.

Horatio, Lord Townsend, below Lord Delamer.

Anthony Ashley Cooper, Lord Ashley, below Lord Townsend.

John, Lord Crewe, below Lord Ashley.

Thomas, Earl of Cardigan, below the Earl of Essex.

John, Earl of Bath, below the Earl of Anglesey.

May 13. The Commons Resolve, that, on Sunday Se'nnight, the Sacrament shall be administered to all Members in St. Margaret's Church, according to the form prescribed in the Liturgy.

May 14. Frederick, Lord Cornwallis, is introduced, and placed below Lord Holles.

1661

A. B.
13

| | | | | | |
|-------------------|---|----------------------|---|----------------------|---|
| Oxford Univ. | 2 | Sarum O. | 2 | Warwick Co. | 2 |
| Pembroke Co. | 1 | Scarborough. | 2 | Wareham T. | 2 |
| Penryn T. | 1 | Seaford | 2 | Wells | 2 |
| Peterborough | 2 | Shaftsbury | 2 | Wendover | 2 |
| Petersfield | 2 | Shoreham | 2 | Wenlock | 2 |
| Plymouth | 2 | Somerset Co. | 2 | Weobly | 2 |
| Plimpton | 2 | Southampton Co. | 2 | Westbury | 2 |
| Pool | 2 | T. | 2 | Westlow | 2 |
| Pontefract | 2 | Southwark | 2 | Westminster | 2 |
| Portsmouth | 2 | Stafford Co. | 2 | Westmorland Co. | 2 |
| Preston | 2 | T. | 2 | Weymouth | 2 |
| Queenborough | 2 | Stamford | 2 | Whitchurch | 2 |
| Radnor Co. | 1 | Steyning .. | 2 | Winchelsea | 2 |
| Reading T. | 1 | Stockbridge | 2 | Winchester | 2 |
| Retford | 2 | Sudbury | 2 | Windsor | 2 |
| Richmond | 2 | Suffolk Co. | 2 | Wilton | 2 |
| Rippon | 2 | Surry Co. | 2 | Wills Co. | 2 |
| Rochester | 2 | Sussex Co. | 2 | Woodstock | 2 |
| Rumney | 2 | Tamworth | 2 | Wooton Bassett | 2 |
| Rutland Co. | 2 | Tavistock | 2 | Wygan | 2 |
| Rye | 2 | Taunton | 2 | Worcester Co. | 2 |
| Ryegate | 2 | Tewksbury | 2 | C. | 2 |
| Salop Co. | 2 | Thetford | 2 | Yarmouth, Norf. | 2 |
| T. | 2 | Thirsk | 2 | Hants | 2 |
| Saltnash | 2 | Tiverton | 2 | Yorkshire | 2 |
| Sandwich | 2 | Totness | 2 | C. | 2 |
| Sarum N. | 2 | Tregoney | 2 | | |
| | | Truro | 2 | | |
| | | Wallingford | 2 | | |

1661.

A. D.

13

The *Commons* appoint a Committee to examine the Journals of the Long Parliament, and to report what is fit to be expunged; and also to consider a traitorous Writing, "*The Instrument of Government*."

Resolved. The Return for Tavestoke by the Mayor and Burgesses (not by the Portreeve alone) is good.

May 17. Lord Berkeley petitions for Precedency above Lord Delawarr, and is heard June 7.

Resolved, by 228 against 103, the Instrument, called the Solemn League and Covenant, to be burned, &c.

May 20. The Lords' House is called, beginning from the youngest Baron.

Present, the Duke of York, Lord Chancellor, Lord High Treasurer, Dukes of Bucks and Richmond, Marquisses Winton, Dorchester, Lord Great Chamberlain, Lord Steward, Lord Chamberlain, 37 Earls, 6 Viscounts, 47 Barons.

Absent, 30 Barons, 2 Viscounts, 26 Earls (2 Proxies, 4 *Infra Ætatem*), 2 Marquisses, 3 Dukes (1 *Infra Ætatem*), Lord Privy Seal, Duke of Cumberland (Proxy.)

The *Commons Resolve*, That the Inhabitant Freeholders only have voice in Elections for the Borough of Haslemere.

May 27. *Resolved*, The traitorous cursed Writing in Parliament, "the Act for erecting a High Court of Justice for trying and judging Charles Stuart," that constituting a Commonwealth, and other Acts to be burned, &c.

May 30. The *Commons Resolve* upon a Bill to Repeal the Act disabbling Persons in Holy Orders to exercise any Temporal Jurisdiction or Authority. It passes the Lords, June 18.

June 1. (Saturday.) The *Commons Order*, That all Members who climb over seats shall pay 12d.

June 6. The Earl of Banbury petitions the King for a Writ of Summons; on which Report is made, July 19.

The Lords Order a Bill to declare the Long Parliament determined.

June 7. The *Commons Order* that every Member standing in the Passage whilst the House is sitting, shall pay 12d. to the Serjeant.

June 8. The Lords Order, That the Commons demanding a free Conference in the Painted Chamber is a Breach of Privilege; it appertaining of Right to the Lords to appoint both Time and Place.

The *Commons* admit the mistake.

The Roman Catholics petition against the Oaths of Allegiance and Supremacy.

June 11. The Lords Resolve, that nothing has been offered to move their Lordships to alter the Oaths.

June 13. The *Commons Order* the Mayor of Northampton to be apprehended, &c., for various Miscalriages touching the Election. He is "gravely reprehended."

June 15. The Earls of Oxon and Derby petition the King on the Office of Great Chamberlain. His Majesty refers it to the Lords.

The *Commons Resolve*, That all who pay Scot and Lot, have Votes in Elections with the Mayor and Freeholders of the Borough of Warcham.

Resolved. The Out Burgesses have equal voices with the Burgesses for the Town of Poole.

June 25. The Votes on a Question being even, the Lords

adopt the Precedent, 43 Eliz., where it was adjudged for the 1661.
Negatives.

July 4. (*Thursday*.) The Lords declare that Lady D'Acres, by marrying Mr. Chute, a Commoner, hath forfeited and lost her Privilege of Peerage, in Law.

An Act is read in the Commons for Restoring Rectories and Advowsons, &c., and, on the 13th, is sent up to the Lords and passes.

July 6. The Commons Resolve, That the Mayor, Bailiffs, and Burgesses, (the Corporation of the Borough,) and not the Inhabitants at large, have the Right of Election for New Windsor.

Resolved, Only such Freemen as pay Scot and Lot, (not all Freemen,) have Right of Election for the Borough of Stamford, (Lincoln.)

July 12. The Commons Order a Committee to inquire as to certain Seditious Papers, "Summary Reasons," &c.

Mr. Frynn, the Author, expresses his hearty Sorrow, and his offence is remitted by the House.

July 17. A Forger of Protections is apprehended.

July 20. All Lords are Ordered to sit and speak in their Places.

The Commons Resolve, that the Mayor and 24 of the Borough of Truro (not all the Freemen) have the Right of Electing.

July 23. The Lords Order that every Peer of the Earl's Bench shall give 30s., and of the Barons, 20s., to the Reading Clerk to the House: Also, every Earl 30s., and every Baron 20s., amongst the Door Keepers.

July 29. An Act sent up to restrain unlicensed and disorderly Printing passes the Lords.

July 30. The Lords recommend their Chaplain to His Majesty for Promotion.

The King assents to many Bills, and commands that the Houses adjourn to the 20th Nov. (1)

November 20. (*Wednesday*.) The Bishops attend for the first time. The Archbishop of York and 22 Bishops are present. They are added to the Committees.

The King addresses the Houses.

Nov. 25. The Lords' House is called. There are Present, the Lord Chief Justice of the Common Pleas, Speaker, the Archbishop of York and 15 Bishops, His Royal Highness the Duke of York, the Lord High Treasurer, the Lord Keeper of the Privy Seal, the Dukes of Richmond and Albemarle, the Marquis of Winton, the Lord Great Chamberlain, the Lord Steward, the Lord Chamberlain, 26 Earls, 2 Viscounts, and 34 Barons.

The Absent are 35 Barons, (8 Proxies, 1, Lord Wotton, *Infra Ætatem*), 3 Bishops, 7 Viscounts, (4 Proxies), 30 Earls, (3 Proxies) and the Earls of Rochester, Mulgrave, Huntingdon and Kent, *Infra Ætatem*, 3 Marquisses, (1 Proxy), 4 Dukes, (Norfolk, Extra Regnum, Somerset, *Infra Ætatem*), Lord Chancellor, Archbishop of Canterbury, (Proxy), Duke of Cumberland, (Extra Regnum.)

(1) Cases of Privilege in the Lords were, (May 17) in a Suit; (June 25) in a Suit; (June 29) Ditto; (July 2) against extent of Lands by Creditors; (July 19) on ejection of Tenants; (July 24) on a Dwelling House broken open; (July 29) against Restraint of a Servant and Solicitor; (July 30) on disturbance in possession of Lands, &c. In the Commons (June 15) against a violent entry upon Lands.

Divisions in May were, 209-129; 228-103; 132-135; 180-94. In June, 113-98; 232-133; 155-136; 111-73. In July, 109-103; 161-145; 182-77; 112-93; 143-101; 122-87; 90-77; 98-44.

1681.

A. D.

18

Ordered. The Committee of Privileges to consider, whether Lord Fairbairn, omitted, is to sit as a Peer.

The Commons withdraw all Protections save only to Menial Servants, and advise the Lords to do the same; to which they agree.

Nov. 26. The Lords Order a Committee to consider the Standing Order which mentions the Lords Bishops to be only Lords of Parliament, and not Peers, "whereas several Acts mention them as Peers."

Dec. 4. (Wednesday.) The Commons, by Message, desire the Lords that witnesses may be sworn at the Bar of their House, in a Bill for voiding certain Fines.

Dec. 7. The Lords answer the Commons' desire, "They find no Precedent to warrant the swearing of witnesses at their Bar, to be examined in the House of Commons."

Dec. 9. The Lords read a Bill declaring Nicholas, called Earl of Banbury, illegitimate.

The King sends a Message to the Commons that he had restrained a Member from fighting a Duel.

The Commons Resolve, that thanks be given to His Majesty for his care of their Privileges, in referring it to Mr. Speaker; and that the Member be demanded by the Serjeant-at-Arms.

Dec. 14. The Lords agree, That all new matter which is to be enacted in a Bill, ought to be Ingressed in Parchment, and not in Paper.

Dec. 17. The Commons Resolve, That the Freeholders of Inheritance only, have voices for the Borough of Farestocke.

Dec. 18. They Resolve, That the Burgesses at large (not the Mayor and 12 Capital Burgesses) have the Right of Election for the Borough of St. Ives.

Resolved. All the Inhabitants of the Borough of Preston (not the Mayor and 24 Burgesses only) have the Right of Election.

Dec. 20. On presenting the Money Bill, &c., the Speaker addresses the King. "Great Sir, it is our present comfort and will be our future glory, that God hath made us instrumental for the repairs of those breaches which the worst of times had made upon the best of Governments."

The King gives his assent to many Bills, and adjourns the Parliament to the 7th January. (a)

1682.

January 7. (Tuesday.) The Parliament meets.

Jan. 10. A Report is made in the Commons from a Conference. "The Committee of 24, appointed by this House, met the Committee of 12 appointed by the Lords, and the Members of this House sat down, and put on their Hats, without any exception by the Lords. Though the order of this House was as full as that of the Lords, the Committee thought fit the Remedies should proceed from the House itself, when full."

Jan. 17. The Commons Resolve, that Dr. Craddock, as in Holy Orders, is incapable of being elected a Burgess.

Jan. 24. The Lords Order, The Act for the Triennial Parliament to be repealed, and a new Act prepared for calling a Parliament once in 3 years, according to the Act of Edward III.

(a) Cases of Privilege in the Lords were, (Dec. 7) against Soldiers Quartered; (Dec. 11) against a Suit. In the Commons, (Dec. 3) on a Subpoena. Divisions in November were, 193-109. In December, 117-54; 143-92.

Ordered, a Bill for repealing all Acts made in the Parliament begun 3d November, 1640. 1662

Jan. 25. The Duke of Bucks is "reprehended" for words between him and the Earl of Northumberland. A. N. 13

The *Commons Resolve* that the Almsmen of the Borough of St. Albans have Voices at Elections.

Jan. 31. The *Lords Order* a Committee to consider how far Privilege of Parliament extends to a Child of a Peer, residing in the Father's House. A. N. 14

The *Commons Resolve* that the Election for the County of Brecon is void, the Writ having been detained, the Election not made in the usual Place, and many having been refused, discouraged, or delayed.

February 4. (Tuesday.) *Ordered*, two Persons to be attached for Words against the Lords.

The *Commons Resolve*, that such Freeholders only as have Estates for Life, or in Fee (not the Freemen at large), have the Right of Election for the Borough of Clithero.

Feb. 7. In the *Lords*, Henry Martin, attainted for High Treason, for the Murder of his late Majesty, is demanded what he could say for himself why the Act for his Execution should not pass. He answers, "*That Honourable House of Commons that he did heretofore so idolize, had given him up to death; and now this House of Peers, which he had so much opposed, especially in their Power of Judicature, was made the Sanctuary to fly to for his life.*"

Resolved, in the *Commons*, that the Mayor, 6 Aldermen, and 24 Burgesses only, (not the Common Burgesses at large), have the Right of Election for the Borough of Sudbury, Suffolk.

Feb. 8. The *Commons Order* that all Members interrupting the House by Private Discourses, shall be called to the Bar.

The Houses adjourn; the *Commons* to the 13th, the *Lords* to the 14th.

Feb. 17. An Act passes the *Lords*, reversing the Earl of Strafford's Attainder.

Feb. 24. *Ordered*, the Clerk of Parliament is authorized to issue Warrants for Witnesses, &c., in Causes appointed to be heard at this Bar.

Feb. 26. The *Commons Resolve*, All Resiant Common Burgesses of the Town of Ludlow have Right of Election, as well as the 12 Aldermen and 25 of the Common Council.

March 2. The *Commons Resolve* that His Majesty's gracious Speech of Yesterday, at Whitehall, be entered on the Journals of this House.

March 3. Report is made from a Committee in the *Lords* (on Precedency of Foreign Nobility), "That every Peer of England hath, by Right, Precedency in England, before all other Peers and Noblemen whatsoever."

March 12. The Hearth Bill passes the *Commons*.

March 18. Mr. Carpenter, Chaplain of the House of Commons, is recommended to His Majesty for his good Services, and by the King recommended to the Bishop of London.

March 22. The *Lords* return a Bill to the *Commons*, because it was not signed by the Clerk in the usual way, "*Soit baillée aux Seigneurs.*"

The *Commons Resolve*, that the Poll being denied to Mr. Coningsly in nomination as a Burgess for the Borough of Lemsster, he being ineligible, as a Prisoner in execution for debt, the

1680

A. 97

11

denying the Poll to him could not avoid the Election of two other Members.

March 24. George Withers, Author of a Seditious Pamphlet, is committed from Newgate to the Tower, and ordered to be imprisoned.

Ordered. An Election Petition, not in time, on account of the Adjournment of the Committee, to be received.

The Houses adjourn to the third of April. (a)

April 3. (Thursday.) The Commons Order a Bill to repeal the Act for a Triennial Parliament.

April 4. Upon perusal of the Statute, 31 Hen. VIII., a Committee is of opinion, that the Mayor, Burgesses and Inhabitants of Haverfordwest, paying Scot and Lot, and not the Mayor and Burgesses of the Town only, have voices at Elections.

The Petition is resubmitted.

April 17. The Lords *Resolve* upon a Proviso to the Militia Bill, That Peers shall be assessed by five or more of His Majesty's Privy Council, being Peers of the Realm, and not otherwise.

April 21. The Commons Order, that all Members shall attend personally on the 5th of May, upon a Penalty of £20.

April 23. Resolved, on the Question, "Whether the old Burgesses, before the Charter, 3 Jan., or only the Burgesses appointed by the said Charter, had voices, not being sworn Burgesses of the said Corporation?" that the new Burgesses appointed by the said Charter, exclusively, have the Right to elect.

April 30. On Question, touching Statute 35 Hen. VIII., as to notice to be given of the Election of Members to serve for Shire Towns in Wales, *Resolved*, that notice of all Elections for Shire Towns only, ought, by intent of the said Act, to be given to the Old Corporations and Boroughs, which do not send Burgesses themselves, and no such notice being given, the Election is void.

May 10. (Saturday.) The Commons sending up a Message with a Bill for Money, together with their Amendments, the Lords return the Bill, "conceiving that the bringing up of this Bill with a Message, is contrary to the usual Proceedings of Parliament, in cases of this nature, whereas it should have been by Conference, when Reasons of their Dissent might have been given."

An Act passes the Lords for restoring Thomas, Lord Culpeper, Baron of Thurnham.

By Message to the Commons, His Majesty reminds the House to dispatch the Bill for preventing the exorbitant liberty of the Press, as next to that for settling the Forces of the Kingdom, most conducive to the Peace of the Kingdom.

Ordered. A speedy dispatch to that Bill.

May 15. Ordered. The Reading Clerk to be recommended to the King.

(a) This Vote is allowed in the Lords, (Feb. 3 and 4) against 10 to 5; (Feb. 14) against 9 to 6; (Feb. 21) on a *Divisum*, in the Commons, (Feb. 23) against an Address in the King's Bench; (March 16) on seizure of a House held in Trust; (March 6) by the Earl of Arundel, a Member, asked by a Constable; (March 11) by the Deputy Sergeant-at-Arm, on arrest in an Outlawry; (March 12) on detention by a Constable.

Divisions in January were, 119-56; 125-57; 127-55; 123-58. In February, 118-100; 48-61; 126-77; 75-62; 68-71; 124-65; 116-64; 126-57; 65-54. In March, 121-55; 125-59; 55-61; 75-57; 122-72; 51-41; 65-61; 77-59; 101-59; 61-58.

The *Commons Resolved*, That the Inhabitants of the Borough of Boston, who are not Freemen, have no voices. 1662.

May 16. The *Commons Order*, that every Knight of the Shire do give among the Servants of the House 10*s.*; every Citizen and Burgess, 5*s.*, and every absent Member double. Those present, not paying before Tuesday, to pay double. A. R. 14

Ordered, An Entry to be made in the Journals that this House hath condescended to agree to a Proviso, touching the Lords being assessed by Peers, not that they were in any sort convinced of the Lords' Right in this Particular, but were rather compelled to yield out of the present necessity cast upon them by the shortness of the Session, &c.

May 17. "Though not usual to have a Conference upon Amendments of more Bills than one at once, yet in regard of the shortness of the time, the *Lords* agree to the *Commons'* desires."

The *Lords* agree to an Assessment of the Peers by other Persons than Peers, in regard of the exigence of the time, not with intent to make any Precedent.

May 19. The *Commons* objecting to a Proviso, "That the Lords have no Power to begin any Bill, or to add any Clause to a Bill that in any kind lays a Charge of money upon the People," the *Lords* give it up. Many Lords enter the Reasons of their Dissent, and agree with a Salvo for the Right of Peers to begin Bills relating to Money.

The King assents to 31 Public and 39 Private Bills, and *pro-nounces* the Parliament to the 18th February. (o)

In his Speech, at the close of this Session, the *Lord Chancellor* says, "Machiavel, an Author much studied of late in this Kingdom, would persuade men to believe that the true reason why so many unexpected Accidents and Mischiefs fall out to the destruction of States and Empires is, because their Governors have not observed the same mischiefs heretofore, in story, from whence they proceeded, and what progress they made, which, if they had done, they might easily have preserved themselves from ruin, and prevented the inconveniences which have fallen out. You are all good Historians, and need only resort to the Record of your own Memories. Remember how your peace hath been formerly disturbed, by what contrivances and artifices the people have been alarmed by unseasonable and unnatural fears and jealousies, and what dismal effects those fears and jealousies produced. Remember how near Monarchy hath been dissolved, and the Law subverted, under pretence of Reforming

(o) In the *Lords* Privilege is allowed, (Feb. 20) against a Suit; (March 6) Ditto; (March 24) against a forged Protection; (March 14) on a Suit; (April 13) against an Assessment; (May 15) on arrest of a Chaplain; (June 3) in a Suit; (June 26) Arrest of a Servant; (June 27) against a Conspiracy; (July 2) against Carmo who had "jostled" a Coach with 3 Peers; (July 6) Ejection of Tenants and arrest of a Chaplain; (July 8) in a Suit; (July 16) in a Suit against a Tenant; (July 25) in a Suit. In the *Commons*, (Feb. 21 and 25) on an Action of Ejection; (Feb. 26) against Process to attend the Court of Exchequer, Chester, and against a Lease of Ejection; (March 10) on Action to try a Title; (March 18) on Action of Ejection against Tenants; (May 7) against the Trial of a Tenant for Tithes, and an Action of Ejection of Tenants; (May 25) on forcible entry into a Member's House; (May 26) on Suit, the Property of a Member, detained; (May 27) on an Action; (June 2) on hindrance in Collection of Tithes; (June 30) on action of Ejection; (July 3) against Proceedings in Chancery; (July 10) against Proceedings to try a Title; (July 16) on Arrest; (July 17) on Action of Ejection; (July 25) against an Exigent to an Outlawry. Divisions in the *Commons* in April were, 67-59; 76-64; 113-84; 96-90; 96-87; 94-87; 37-34. In May, 67-48; 102-81; 95-69; 86-76; 113-58; 97-84; 84-67; 68-38; 91-89; 92-34.

1680.
S. S.
12

and Supporting Government, Law and Justice. Remember how many honest persons were misled by not discerning consequences, who would as soon have renounced their part in Heaven, as have consented in the first innumerable Action, if they had suspected what would follow. An Enemy is amongst us of whom we are not jealous enough, and towards whom we cannot be too vigilant, in comparison of whom we may reasonably undervalue all other Enemies—the *Republicans and Commonwealths men* who are every day calling in aid of the Law, that they may overthrow and abolish the Law, which they know to be their irreconcilable enemy. There is a very great party of these men, who have no Religion, but as the pretence seems to advance their Faction.”

1680.
S. S.
13

February 18. (Wednesday.) The Second Session of the Second Parliament opens.

The King addresses the Houses.

Feb. 23. The Lords' House is called.

Present, 13 Bishops, His Royal Highness the Duke of York, the Duke of Cumberland, the Lord High Treasurer, the Lord Keeper of the Privy Seal, 2 Dukes, 2 Marquises, the Lord Chamberlain, 24 Earls, 2 Viscounts, 33 Barons.

Absent, 33 Barons, 19 Bishops, 8 Viscounts, 28 Earls, the Lord Steward, the Lord Great Chamberlain, 2 Marquises, 3 Dukes, the Archbishop of York, the Lord Chancellor, the Archbishop of Canterbury.

The Lord Privy Seal is, by Commission, appointed Speaker, on the illness of Sir Orlando Bridgman, Knight and Baronet, Lord Chief Justice of the Common Pleas.

The Commons Order that the Journal Book shall be perused every Saturday Afternoon.

Feb. 26. The Houses adjourn to the 6th of March.

March 3. (Thursday.) Report is made to the Lords of Acts touching the King's Power in Ecclesiastical Affairs.

Several, not Members, having access to the Speaker's Chamber and Gallery, the Commons Order that the Back Door shall be constantly shut while the House is sitting.

March 21. Charles Henry Winton, de Watton, Chevalier, is introduced, and placed on the Barons' Bench, between Lord Lexington and Lord Langdale. (p)

April 6. (Monday.) The Lords Order, that no Person not capacitated to be present at the Debates, be suffered near any of the Doors of the House; and that no Footmen or Lackies be admitted into the Painted Chamber.

April 8. The Commons Resolves, that the voices for the Town of Northampton, do not belong to the Mayor, Aldermen and 48 only.

A Member charged with words spoken at a Committee, is allowed Privilege against those complained of for ill managing the Excise.

April 14. The Commons Order a Call of the House on Monday Fortnight, and a Penalty of £5, for Absence.

The Houses adjourn to the 29th.

May 4. (Monday.) The House is called, and an Order made that £5 be collected from all Defaulters.

Resolved, the House again to be called this day fortnight, with a Penalty of £10.

(p) Divisions in February were, 131-90; 181-119. In March, 60-64; 134-106.

May 8. Report is made in the *Lords* concerning Fees on the Translation of Bishops, and on Lords' Descents, to be paid to the Officers of the House. 1603.
A. R.
15

May 20. Ordered in the *Commons*, to declare the ancient order and course of the House, "That when a Bill is Committed, no private Member ought to take it away, but the Clerk of the House, or his Deputy, is to attend with the Bill and Order, at the time, and place appointed for the first meeting, and deliver the same after the Chairman is chosen."

May 23. The Committee of Privileges Report, "That, in their opinion, the Burgesses and Inhabitants of Haverfordwest, and the Inhabitants which pay Scot and Lot, have voices in the Election."

May 30. The Countess of Dorset claims the Titles of Clifford, Westmorland and Vesey. The King refers the Claim to the Lords. (q)

June 2. (Tuesday.) The *Commons* give Serjeant Maynard leave to be of Counsel with a Member, before the Lords.

June 3. Lord Langdale presented in the Spiritual Court of the Archbishop of York for not coming to Church, and being summoned, claims Privilege. The matter is referred.

June 5. The Houses adjourn themselves to the 12th.

June 16. Resolved, a present Supply to His Majesty to be levied by way of Subsidy. On the 18th, a Report is made as to Subsidies, Eliz., Jac. and Car.

June 26. The *Lords Order*, That upon any account to be made in His Majesty's Court of Exchequer by any Peer in his own Person, the said account shall be taken upon his Honour only, but when made by Servants or Agents, then, upon Oath.

June 27. The Earls of Bridgwater and Middlesex are reprehended, having been committed to Black Rod and the Tower, on a Quarrel.

July 10. (Friday.) The Earl of Clarendon, Lord Chancellor, accused of High Treason by the Earl of Bristol, declares his Innocence.

July 13. The Judges Report on the Articles against the Earl of Clarendon, "That a charge of High Treason cannot, by the Laws and Statutes of the Realm, be originally exhibited by any one Peer against another, unto the House of Peers, and that therefore this Charge hath not been regularly and legally brought in. Secondly, That if the matters alleged were admitted to be true, yet there is not any Treason in it."

The House Resolves to concur with the Judges' opinion.

July 15. The Archbishop of Canterbury acquaints the Lords, "The Clergy in Convocation assembled have presented to the King a grant of Four Subsidies, which His Majesty hath commanded him to deliver to this House, that so it may receive the usual confirmation of the Houses of Parliament."

Mr. Attorney General is Ordered to put it in the usual manner of Proceedings, as formerly hath been.

July 16. The *Commons Resolve*, That no Wife or Servant of any Member of the House ought to have Privilege of Parliament allowed in any case against the Husband of such Wife, or the Master of such Servant.

July 17. Resolved by the *Commons*, Mr. Henry Wotton, who

(g) Divisions in April were, 44-31; 42-32; 116-112; 108-91; 64-59. In May 120-85; 119-89; 124-93; 77-38; 116-87; 117-81; 105-104; 128-75.

1663.
A. R.
15

has constantly officiated as Chaplain this Session, to be recommended to the King for some Ecclesiastical Dignity or Preferment.

July 18. The *Lords* nominate Commissioners to Assess Peers.

July 20. The *Commons Resolve* to recommend James Northfolke, Esq., Serjeant-at-Arms, to His Majesty for increase of Salary.

July 27. In the *Lords*, Report is made from the Committee of Privileges concerning the Introduction of Peers by Descent.

A Bill for the better observation of the Sabbath being lost off the Table, every Lord is called by name, and those Present make their Purgation, as do likewise the Assistants. It is *Ordered*, that if those Absent do not bring it in time to pass the Royal Assent, they shall be proceeded severely against.

The King passes 14 Public and 12 Private Bills, and *PROROGUES* the Parliament to the 16th March. (r)

1664.
A. R.
16

March 16. (Wednesday.) The Third Session of the Second Parliament commences.

In the absence of the Lord Chancellor, from indisposition, Sir Orlando Bridgeman is continued as Speaker.

The Houses *adjourn* to the 21st.

March 21. The King addresses the Houses.

March 22. The *Commons Resolve* that a Bill be brought in for Repealing the Act "for preventing inconvenience happening by the long Intermission of Parliaments"—(Triennial Act.)

March 31. The *Lords* pass a Bill sent up, "for assembling and holding of Parliaments once in three years at least, and for repealing, &c. &c."

April 5. (Tuesday.) The King gives his Royal Assent to the above Act. "Le Roy le veult."

April 6. The Houses *adjourn* to the 18th.

May 9. (Monday.) The Officers of the Lords' House petition for their Fees on the discharge of Delinquents; which are *Ordered* accordingly.

May 13. A Report is made, in the *Commons*, on Expedients for the better attendance of Members.

Mr. Pryn is reprehended by Mr. Speaker, for breaking an essential Order, in altering and interlining a Bill after Commitment. He acknowledges his Error.

May 17. The King *PROROGUES* the Parliament to the 20th of August. (s)

(r) For the Report on Peers by descent see *Lords' Journals*, xi. 576.

Divisions in June were, 96-93; 117-78; 159-111; 90-30; 126-101; 96-13; 92-49; 59-55; 49-45; 89-94; 91-65; 125-61. In July, 74-59; 84-50; 73-61; 93-69; 184-69; 110-81; 41-82; 97-87; 90-57; 87-84; 82-65; 38-57; 90-75; 27-19; 61-51; 12-30.

(s) The Cases of Privilege in the *Lords* are, (March 28) on Dispossession of a Rectory; (March 31) to a Peeress on an Arrest; (April 29) in a Suit against Tenants; (May 10) a Chaplain put out of Possession; (May 12) on goods taken by a Levant Facias out of the Exchequer; (May 11) an Auditor and Solicitor arrested, and against an Action of Ejectment.

In the *Commons*, (April 19) on Proceedings to try a Title; (April 21) against Actions of Ejectment.

Divisions in March were, 129-42; 140-83; 134-88. In April, 98-96; 92-69; 145-105; In May, 76-70; 105-94; 130-68; 118-63; 102-91; 118-64; 133-95; 104-98.

The Triennial Act was repealed on the recommendation of the King, "as derogatory to the Honour of the Crown, serving to discredit Parliaments, and make the Crown jealous of Parliaments, and Parliaments of the Crown." The Speaker declares the Act "to be derogatory to the essential Privilege of the Crown of calling, holding, and dissolving Parliaments, unpracticable, and only useful to teach the People to rebel."

The New Bill more distinctly provides "That Parliaments shall not be *Auto, nulli* called above three years."

August 20. (Saturday.) The Parliament meets and is *PRO-* 1664.
ROGUED, by Commission, till the 24th of November. A. R.

November 24. (Thursday.) The Houses meet. (*Fourth* 16
Session, Second Parliament.)

Sir Orlando Bridgman, Lord Chief Justice of the Common Pleas, is Speaker.

Dec. 6. Ordered. No Lords to be absent without leaving Proxies.

Dec. 7. The Lords' House is called. *Present*, 2 Archbishops, 13 Bishops, Dukes of York and Cumberland, Lord High Treasurer, Lord Keeper of the Privy Seal, Dukes of Richmond and Albemarle, Marquis of Dorchester, Lord Great Chamberlain, Lord Steward, Lord Chamberlain, 18 Earls, 3 Viscounts, 25 Barons. *Absent*, 42 Barons, 9 Bishops, 4 Viscounts, 34 Earls, 3 Marquisses, 3 Dukes, and the Lord Chancellor.

Dec. 13. Lord Clifford is allowed Privilege against shutting up a way, and barring the Passage for Coaches, &c.

Dec. 20 and 22. The Houses *adjourn* themselves to Jan. 12. (t)

Jan. 25. (Wednesday.) The *Commons Order* that the Lord Chancellor be desired to give Order that Writs for Electing, &c., when Sealed, be delivered to the proper Officers, or if not in Town, to one of the Knights that serve for the Counties, &c., some Writs having lately miscarried. 1665.

Jan. 31. Lord Privy Seal is appointed Speaker, by Commission. A. R.
The Commons Agree to the Lords' Alterations in a Bill to grant 17
 an Aid to the King.

Feb. 9. An Act passes for taxing the Clergy in Parliament, in common with the People. The Parochial Clergy gain the new Privilege of voting for Members of the House of Commons.

Feb. 20. The Lords appoint a Committee to search for Precedents concerning Bills begun in either House, relating to Judicature.

Feb. 28. On Petition, the King agrees to prolong the Session.

March 1. (Wednesday.) Privilege is allowed to the Duke of York, Sir H. Middleton, Bart., Gentleman Usher in Ordinary to his Royal Highness, being arrested.

March 2. The Lords make a *Declaration* to assert the Privileges of their House, that all Bills for restoring Persons in Blood shall begin here, after they have the King's Allowance, though the Lords have passed Sir John Stanley's Bill, first brought into the House of Commons.

The King passes 9 Public and 17 Private Bills, and *PROROGUES* the Parliament to the 21st of June. (u)

June 21. (Wednesday.) Sir Henry Bennett, Knight, is in-

(d) The Cases of Privilege were in the *Lords*, (Dec. 1) in a Suit; (Dec. 2) on an Exigent and Capias issued, and in a Suit. In the *Commons*, (Nov. 25) against a Process at Law.

Divisions in the *Commons* in November were, 172-102. In December, 83-42; 88-86; 119-71; 124-84; 105-71; 89-65; 108-82; 107-92.

(u) The following Cases of Privilege occurred during this Session. In the *Lords*, (Jan. 12) against scandalous words; (Jan. 19) against Entry upon an Estate; (Jan. 24) on being sued to an Exigent; (Jan. 28) a chaplain arrested; (Feb. 9) scandalous words; (Feb. 11) on Tithe Corn forcibly carried away; (Feb. 28) in Suits for Arrears of Rent. In the *Commons*, (Feb. 10) against a Suit; (Feb. 15) against an Action at Law.

In the following Session, (Oct 21) the *Lords* allow Privilege, on a Peer's waggon being detained.

Divisions in the *Commons* in January were, 55-44; 79-69; 68-65; 48-41; 87-76; 83-50; 98-71; 41-39; 78-54. In February, 81-80; 107-67; 104-101; 110-86; 63-42; 52-38; 28-26; 24-23; 110-62; 91-55; 56-48; 115-67; 76-65; 82-67.

The Convocation now seems to assemble merely as a matter of Form.

1665.

A. D.

17

roduced as Lord Arlington, and placed at the lower end of the Barons' Bench.

John, Lord Freescheville (of Staveley) is introduced, and placed next to Lord Arlington.

The Parliament is PROROGUED, by Commission, to Aug. 1.

August 1. (*Monday*.) It is again PROROGUED to the 3rd of October.

October 3. (*Tuesday*.) The Meeting is PROROGUED to the 9th.

October 9. (*Monday*.) The Fifth Session of the Second Parliament, commences in the Great Hall of Christ Church, Oxford (the Plague raging in London and Westminster.)

The Lords desire a Conference in the Astronomy School, on occasion of a Message from his Majesty.

Oct. 11. The Commons Order a new Writ for Beeralston in place of Col. Rich. Arundell, called to the House of Peers, and for the County of Somerset, Lord Pawlett being called up.

Oct. 16. The Lord Privy Seal is appointed Speaker by Commission, the Lord Chancellor being ill.

Oct. 31. The King PROROGUES the Parliament to the 29th of Feb. (*w*)

1666.

A. D.

18

February 20. (*Tuesday*.) The Parliament is again PROROGUED, by Commission, to the 23rd of April.

April 23. (*Monday*.) A further PROROGATION takes place to the 18th of Sept.

September 18. (*Tuesday*.) The Sixth Session of the Second Parliament, is held at Westminster.

Thomas Butler, de Moore Parke, Chevalier, Son and Heir Apparent to James, Duke of Ormond, Steward of his Majesty's Household, is introduced as Puisne Baron.

On account of the late Calamity of Fire, his Majesty delays the Meeting till Friday.

Sept. 21. (*Friday*.) Robert, Earl of Aylisbury, is introduced, and placed lowest on the Earl's Bench.

The King addresses the Houses.

The Commons Order a Fine of £20 on Defaulters this Day Se'nnight.

Ordered. A new Writ for the Borough of Boston, Lord Willoughby, now Earl of Lindsey, being called up: also for Haverfordwest, Sir W. Moreton called up.

October 1. (*Monday*.) The Lord's House is called.

Present. His Royal Highness the Duke of York, Archbishop of Canterbury, 9 Bishops, the Lord Chancellor, Lord Treasurer, Lord Privy Seal, Duke of Albemarle, Lord High Chamberlain, Lord Chamberlain, 20 Earls, 31 Barons.

Absent. 34 Barons, 15 Bishops, 8 Viscounts, 37 Earls, the Lord Steward, 6 Dukes, the Archbishop of York, the Duke of Cumberland, and Duke of Cambridge (*Inf. Aetatem*).

Oct. 2. The Commons appoint a Committee to reduce all the Statutes to one Head, and to repeal, &c.

Oct. 22. The Commons Resolve, That no Person shall inspect the Journal Book but Members, and that a Bill be brought in to punish Members who misrepresent abroad what passes.

Oct. 26. The Duke of Bucks and Lord Butler are Committed to the Tower and to Black Rod, on a Challenge.

Oct. 27. The Commons send for the High Sheriff of Devon,

(w) Divisions in October were, 61-61; 103-92; 56-44; 81-69; 37-61.
The Recess from Oct. 31 to Sept. 18 was of nearly 11 months.

in Custody, for Misdemeanor and Abuse in the Return for the Town of Plympton. 1665.

Oct. 29. They Order that the House shall take the Sacrament on Sunday Se'nnight. A. N. 18

Oct. 31. Lord Arundell, of Trevice, is introduced, and placed below Lord Fresheville.

Nov. 6. The Commons Order that such Members of the House as are of the Long Robe, shall not be of Counsel on either side, in any Bill depending in the Lords' House, before such Bill shall come down from the Lords' House to this House.

The House is called, the Oaths of Allegiance and Supremacy are taken, and it is Ordered that all Defaulters attend this day se'nnight.

Nov. 10. The Lord Chief Justice of Common Pleas is Speaker (by Commission.)

Nov. 27. The Lord Privy Seal is appointed Speaker.

Nov. 27. The Duke of Bucks claims the Title of Lord Roos (Ross), against John Manners, eldest son of the Earl of Rutland, so calling himself.

Dec. 11. (Tuesday.) Sixteen Serjeants at Arms in Ordinary to His Majesty, attending the Upper House, petition for their Salary.

Dec. 15. In the Commons, Resolved, Thirty-three Defaulters to be sent for, and not admitted till their Fees are paid; and a Bill to be prepared for an effectual course against such as being elected, neglect to attend.

Dec. 19. The Duke of Bucks and Marquis of Dorchester are Committed to the Tower on a Quarrel.

Dec. 20. The Commons Order, that in all Cases where the Servants of Members are alleged to be Arrested, in Cases of Privilege, it be referred to Mr. Speaker, and if he find it so, to give Order for their discharge and for stay of Suit.

Dec. 22. The Houses adjourn to the 29th; then to the 2nd of January. (x)

Jan. 3. (Thursday.) The Commons send up Articles of Impeachment against John Lord Viscount Mordant, Constable of the Castle of Windsor, for high Crimes, &c. 1667.

The Commons Resolve, that the Proceeding of the Lords in going by Petition to the King for a Commission for taking the Public Accounts, there being a Bill sent up from this House and depending before them for taking the Accounts in another way, is unparliamentary and of dangerous consequence.

Jan. 8. Reasons are prepared to be given to the Lords at a Conference upon the above matter, "That according to the right and settled Course of Parliament upon Bills, neither a Bill, nor any part thereof, is to be communicated to His Majesty by either House, until the whole be agreed to by both Houses, &c., and this way of Proceeding is without Precedent."

Jan. 9. The Commons Resolve, 138 against 63, that the Mayor of the Port of Winchelsea, not having within one year before his Election taken the Sacrament, his Return of a Member is nevertheless good.

(x) Divisions in September were, 98-68. In October, 102-92; 97-87; 106-102; 94-83; 171-111; 149-125; 160-78; 165-101; 93-93; 105-75; 127-6. In November, 162-121; 183-93; 136-109; 122-115; 154-89; 118-107; 81-22; 86-70. In December, 80-43; 83-37; 86-61; 119-83; 98-54; 102-47; 110-85; 98-50; 89-52; 60-58; 33-33; 83-53; 70-52; 73-53; 72-57; 67-64.

1667.

A. D.
18

Jan. 10. Report is made in the Lords on Precedents for Impeachments.

Jan. 18. The King gives his Assent to 10 Bills.

Jan. 24. The Commons allow Privilege, on an Arrest 22 days before the Sitting of Parliament.

Jan. 26. Lord Willoughby of Parham takes his Seat on the death of his Brother.

Jan. 28. In the Commons, Mr. Pryn Reports Precedents upon Impeachments.

Precedents of Trials for Misdemeanors are reported in the Lords.

A. D.
19

Jan. 31. Dudley, Lord North, takes his seat on the death of his Father.

Feb. 4. (Monday.) Report is made in the Lords on the House of Commons desiring Conferences touching Proceedings upon Judicature by the Lords.

Resolved, to grant a Conference. Three Peers protest against the Resolution, as a very great Derogation to the Privileges of the House.

Feb. 5. The Lords Resolve, to refuse a Free Conference concerning Impeachments. Six Lords Protest upon general grounds. Lord Dover enters his Dissent, because, "The Denial of a Conference, which is the only way of keeping a good and right Correspondency between the Houses, is ever unfit."

Feb. 7. The Lords Resolve to give a Free Conference on the subject of their refusal of a Free Conference; and Order Heads and Precedents for the same.

Feb. 8. The Commons Resolve, that the Mayor and Burgesses, (not the Sheriff and others), shall have Election for the Borough of Weymouth, till the merits of the case are determined.

His Majesty assents to 21 Acts, and PROROGUES the Parliament to the 10th October. (y)

July 25. The Houses meet according to Proclamation of June 26, and adjourn to the 29th, when His Majesty again PROROGUES them to the 10th October.

October 10. (Thursday.) The Seventh Session of the Second Parliament opens.

The King addresses the Houses.

The Commons Order New Writs in place of 8 Members deceased, and one for the County of Monmouth, Lord Herbert being called up.

An Address of Thanks to His Majesty is read.

Oct. 11. The Lord Privy Seal is Commissioned as Speaker.

Oct. 15. The Lords Resolve, That Thanks be given to His Majesty for dismissing the late Lord Chancellor.

(y) In the Session commencing 18th Sept. (1666) the Lords allow Privilege (Oct. 19) to a Peer, on his Dwelling House being taken possession of; (Nov. 12) against a Writ in the Court of Exchequer; (Nov. 26) against a Process in the Ecclesiastical Court; (Dec. 10) to a Proctor in Convocation on an Arrest; (Dec. 22) to two Dowager Peeresses, on arrest of Servants; (Jan. 28, 1667) on the Arrest of an Agent; (Feb. 3) on Cattle being driven out.

Cases in the Commons are, (Nov. 17) against Proceedings in the Exchequer; (Feb. 6) on Arrest.

Divisions in the Commons in January were, 78-73; 116-59; 75-59; 126-91; 52-38; 113-53; 138-63; 88-64; 64-43; 65-47; 39-44; 118-108; 48-37; 84-70; 84-51; 61-43; 42-36; 49-53; 49-42. In February, 49-44; 59-51; 78-31; 26-26.

Lord Clarendon (Life, p. 423) quoted in the Parliamentary History, iv. 363, says, "It being an unquestioned certainty, that, upon a Prorogation, a Parliament cannot be convened before the day, though upon an Adjournment, it may, Mr. Prynne had been privately consulted by the King, whom he satisfied that upon an extraordinary occasion it might be done. His judgment, which the King otherwise much undervalued, confirmed the latter in what he had a mind to do."

The Earls of Rochester and Mulgrave having been summoned, 1667. though under age, it is *Moved*, that this House do humbly beseech A. R. His Majesty that he would be pleased to be sparing of Writs of 19 this nature in future.

The *Commons Order* a Committee, to consider of Matter of Privilege and freedom of Speech in Parliament, and of the case in the King's Bench, 5 Car.

Oct. 16. The *Commons Order* a Committee to consider what doth obstruct the Proceedings of the Public business of this House, and what the ancient use and practice of the House hath been for despatch of business, &c.

Oct. 22. The *Lords Agree*, That Peers cannot be attached out of the Court of Chancery.

Oct. 26. Report is made in the *Lords* respecting Entries of the King's Answers to Addresses. Seven Precedents are found that they were either Entered, or Reported, or both.

Oct. 29. The *Lords' House* is called. *Present*, His Royal Highness Duke of York, the Archbishop of York, 18 Bishops, Sir O. Bridgman, Keeper Great Seal, Lord Robertes, Keeper Privy Seal, 3 Dukes, 1 Marquis, Robert, Earl of Lyndsey, Lord Great Chamberlain, Edward, Earl of Manchester, Lord Chamberlain, 31 Earls, 4 Viscounts, 34 Barons. *Absent*, 27 Barons, 5 Bishops, 4 Viscounts, 24 Earls, the Lord Steward, 2 Marquisses, 4 Dukes, the Archbishop of Canterbury, and Duke of Cumberland.

The King Answers that he did not know the Earl of Mulgrave was under Age, but having granted a Writ, he may be admitted. The *Lords* refer it to a Committee of Judges, &c., and *Order* Garter to make a true and perfect List of the Nobility.

November 6. (*Wednesday*.) The *Judges Report*, That by the Law of England, in the Ordinary Courts of Justice, no Minor can sit, or give Judgment, as a Judge.

Nov. 8. The *Commons Resolve* that the Election for the City of Peterborough, is in all the Inhabitants paying Scot and Lot, and not in the Bailiffs of the city.

Nov. 12. In the *Lords*, Report is made concerning Peers answering upon Oath or Honour.

The Earl of Anglesey is allowed to give Information, desired in the House of Commons, if he thinks fit.

The *Commons* send up an Impeachment of the Earl of Clarendon.

In the *Commons* a Report is made as to matter of Speech in Parliament.

Resolved. The Act 4 Hen. VIII., intituled, "An Act concerning Richard Strowd," is a general Law extending to indemnify all and every the Members of both Houses of Parliament in all Parliaments, for and touching any Bills, Speaking, Reasoning or Declaring of any matter or matters in and concerning the Parliament, to be communed or treated of; and is a declaratory Law of the ancient and necessary Rights and Privileges of Parliament. The *Lords Agree*, Dec. 11.

Nov. 18. The *Commons* admit the Privilege of the Servant of Mr. Goldesbrough, Clerk of the House, the Book of Causes in Chancery having been taken by force from him and detained.

Nov. 20. After a Conference, the *Lords Resolve* not to comply with the desires of the House of Commons to sequester and commit the Earl of Clarendon without particular Treason assigned. Twenty-eight Peers Protest.

1667.
A. R.
19

Nov. 21. An Act passes the *Lords* for better regulating the Trial of Peers.

A Conference being agreed to concerning the Earl of Clarendon, three Peers enter five Reasons of Dissent.

Nov. 22. *Resolved*, the House of Commons not having granted a Conference desired by the Lords, and now desiring a Conference on their Lordships' Message for a Conference, is contrary to the Methods of Proceeding between the two Houses.

The *Commons Resolve* to discharge Mr. J. Ashburnham from the House, for an Offence to the dishonour of the House, and contrary to his Duty, as a Member, in accepting £500 from the French Merchants.

Nov. 23. The *Commons Resolve*, that the Judgment, 5 Car., against Sir J. Elliot, Denzell Holles, and B. Vallentine, Esqrs., in the King's Bench, was an illegal Judgment, and against the Freedom and Privileges of Parliament. The Lords Agree, Dec. 11.

Nov. 29. After divers Messages, and a Conference, the *Lords* again *Resolve* not to Commit the Earl of Clarendon on a general Charge.

December 2. (Monday.) The *Commons Resolve* that the Lords not having complied, is an Obstruction to the Public Justice of the Kingdom, in the Proceedings of both Houses of Parliament, and, in the Precedent, is of evil and dangerous consequence.

Dec. 3. The *Lords* receive a Petition and Address of the Earl of Clarendon, stating "that he is withdrawn."

The *Commons* make an *Order* to discover the Author of a scandalous printed Paper, in the name of the Shoemakers.

On the Question, that no printed Briefs, Papers, or Breviates of any Matter be brought to the Doors, or given or distributed to the Members, the Noes are 62, the Yeas 47.

Dec. 5. In the *Lords*, Report is made concerning Precedency, and Foreign Nobility, and it is *Agreed*, that the Statute 31 Hen. VIII., c. 10, is the fundamental Rule for the direction of Precedency in all other Places within the Realm, as concerning the Peers of England, for three Reasons assigned.

The *Commons Resolve*, that when any Subject shall be Impeached of High Treason, *generally*, by the House of Commons, before the Lords in Parliament, and it is desired that he be forthwith secured, such Person ought, for the safety of the Kingdom, to be accordingly secured.

Resolved, When such Impeached Person shall be secured, the Lords may limit a convenient time to bring the particular Charge before them, for avoiding delay of Justice.

Dec. 9. Both Houses vote the Earl of Clarendon's Petition to be scandalous, as reproaching the King, and taxing the Justice of the Nation, and that it shall be burnt.

Dec. 12. The Lords give Leave to the Chief Justice of the King's Bench to answer a Complaint in the House of Commons.

A Bill passes the *Lords* for Banishing and Disenabling the Earl of Clarendon, Four Protests, with Reasons, are entered. It passes the *Commons* on the 18th.

Dec. 14. *Resolved*, in the *Commons*, that the Sheriffs, &c., shall give notice of a Summons to the Members of this House, in the several Counties and Boroughs, to attend on the next Meeting after the Recess.

The *Commons* having *Resolved* to address his Majesty for a

Proclamation summoning the Earl of Clarendon, the *Lords* give 1667.
Reasons for dissenting from the Vote. A. N. 19

Dec. 16. Report is made, in the *Lords*, that Guardians of Peers ought to be Privileged.

Dec. 18. Report is also made, that according to the Law of the Realm and the ancient Constitution of Parliament, Minors ought not to sit or vote in Parliament.

Dec. 19. The Guardians of Lord Mohun are allowed Privilege.

Eleven Bills are passed by Commission, and the Houses adjourn to the 6th February, according to His Majesty's direction. (x)

Feb. 6. (Thursday.) Baron Eland, George Viscount Hallifax is introduced and placed at the lower end of the Viscount's Bench. 1668. A. N. 20

The King addresses the Houses.

An Order is made for observing Order when His Majesty is present. None are to be admitted but Peers, the eldest Sons of Peers, and the Assistants and Attendants of the House.

Feb. 13. The *Commons Resolve*, That every Defaulter, not excused, shall pay £40, and be Committed to the Tower till paid.

Resolved. Every Member deserting the House for three days, without Leave, shall pay a like Fine of £40.

Ordered. The Under Sheriff of Merioneth, for not executing the Order of the House for summoning Members, to be sent for in Custody, to Answer his Contempt.

Feb. 17. The *Lords' House* is called. *Present*, the Duke of York, 2 Archbishops, 10 Bishops, Lord Robertes, Keeper of Privy Seal, 2 Dukes, Robert, Earl of Lyndsey, Lord Great Chamberlain, Edward, Earl of Manchester, Lord Chamberlain, 27 Earls, 5 Viscounts, 37 Barons. *Absent*, 27 Barons, 14 Bishops, 4 Viscounts, 29 Earls, the Lord Steward, 3 Marquisses, 6 Dukes.

Feb. 18. On a Report of the Order and Method of Proceedings in Parliament, the *Commons Resolve*, that, If any Motion be made in the House for any public Aid or Charge upon the People, the Consideration and Debate thereof ought not presently to be entered upon, but adjourned to such further day as the House shall think fit to appoint, and then it ought to be referred to the Committee of the whole House, and their Opinions to be Reported thereon, before any Resolution or Vote of the House do pass therein.

A Bill for the frequent holding of Parliaments is withdrawn, and it is *Ordered*, That no Bill of this nature shall be tendered, without Leave and Order.

Sir John Birkenhead. "This Bill bottoms itself upon the Statute of Edw. III., for Annual Parliaments, but there never was any Annual Parliament. There have been two in a year, and may be one or more in a year, if need be. Is not the Bill *Felo de se*, of itself?"

Mr. Mallett. "No King ever prospered better, both at home and abroad, by reason of frequency of Parliaments."

Sir Thomas Littleton. "By Prorogation, the effect of the Triennial Bill is not eluded, which by the former Bill might be."

(x) Cases of Privilege in the *Lords* were (Nov. 6, 1667) against a scandalous Petition to the King; (Nov. 14) on arrest of a Convocation Proctor; (Dec. 10) to a Peeress on arrest of a female Servant; (Dec. 12) to a Groom of His Majesty's Bedchamber, on an Outlawry; (Dec. 16) against a scandalous Paper; (Dec. 18) on Cattle driven, and a house pulled down. In the *Commons*, (Nov. 15) on a Subpoena in Chancery; (Nov. 27) in a Suit; (Dec. 2) on Arrest of a Bailiff; (Dec. 11) on distraint of Cattle.

Divisions in *October* were none. In *November*, 194-128; 172-103; 161-89; 58-38; 95-75. In *December*, 62-47; 82-65; 40-34; 121-72; 101-65; 109-58; 81-76.

1668.
A. D.
80

Feb. 20. The King refers to the Lords the Petition of Benjamin Mildmay, Esq., as to the Barony of Fitzwalter.

March 6. The Commons adjourn to the 26th. The Lords continue to sit.

March 13. The Lords appoint a Committee to inquire whether a Peer beyond Seas may leave his Proxy.

March 18. The Countess of Lyncolne is allowed Privilege, her Coach and Horses being taken in Execution for a pretended Debt of 32s.

The Houses adjourn to the 26th.

March 30. Lord Robertes has Leave to give Information to the House of Commons.

March 31. The Lords declare it to be regular for the Lords to send Messages when they please to the House of Commons, to put them in mind of Bills sent down from this House.

The Commons Resolve, that there is no Fee due for Orders or Writ of Elections, upon Admission of Members to this House.

April 1. (Wednesday.) The Lords refer to the Committee of Privileges to consider of Baronies given to Peers' Elder Sons, when Barons are created to higher Titles, &c.

April 6. The Commons Resolve, that Defaulters on this day Se'nnight, and those absent three days without Leave, shall pay £10.

April 21. The Lords Order Counsel to be heard as to the Barony of Fitzwalter, "Whether a Barony in Fee shall descend to the Half Blood," and, "Whether it may be merged in an Earldom in Tail."

The Commons impeach Sir W. Penn, Knight, a Commissioner of the Navy, for High Crimes, &c.

April 23. Lord Gerard has Leave to vindicate himself in the House of Commons.

April 24. On the Petition of the Under Clerks, the Commons Order that every Knight shall pay 10s., and other Members, 5s., to be distributed.

April 25. The Commons Order inquiry as to the Author of a Printed Paper in the name of some indigent, loyal Officers.

April 27. Report is made in the Lords of Precedents of Impeachments for Misdemeanors. (a)

May 5. (Tuesday.) The Lords make a Standing Order, that in Bills coming up near the time of Adjournment, no Argument shall hereafter be used (as of shortness of time) to precipitate the passing of such Bills, but that due consideration may be had according to the Course of Parliaments.

May 7. The Question is *Negatived* in the Commons, That a Message be sent to His Majesty, that the Adjournment be for as long a time as his Majesty's occasions will permit.

Mr. Speaker asking the opinion of the House, whether, the adjournment being long, he ought to be attended by the Mace, and forbear to practice, It is declared that he ought to be attended with the Mace, as in time of Shorter Adjournments.

May 8. The Commons Order, that Persons in Custody, and not heard, shall have Liberty, on Security; also, that Persons in Custody, when they have yielded Possession, and done what is in their Power to perform, shall be released on their Security, without paying Fees during the adjournment.

(a) For these Precedents see *Lords' Journals*, xii. 234.

The facility of consulting these Journals at all times great, in consequence of the Marginal References, which are wholly wanting in the Journals of the Commons.

May 9. The King passes 18 Bills and the Houses adjourn themselves to the 11th August, according to His Majesty's pleasure. (b) 1668. A. R. 20

August 11. (Tuesday.) The Parliament is again adjourned, by the King's Proclamation, to the 10th November.

November 10. (Tuesday.) A further adjournment takes place to the first of March, 1669, by a Message from the King.

March 1. (Monday.) The King, by Proclamation and Commission, Prorogues the Parliament to the 19th October. 1669. A. R. 21

October 19. (Tuesday.) (Eighth Session of the Second Parliament.) The King and the Lord Keeper address the Houses. Henry Lord Sandys takes his Seat, on the death of his Brother.

Oct. 22. The Commons Order an Indictment against Chiswell, for printing an Unlicensed Book, "The Grand Question."

Ordered. A Bill to prevent Abuses and Extravagancies in electing Members, and for regulating Elections.

The House is called. Defaulters are to be called this day fortnight.

Oct. 25. James, Earl of Sarum, first sits, on a Writ of Summons, 11 Oct., 21 Car. 2.

The Duke of York is added to all the Committees.

Oct 26. The Lords' House is called. *Present,* Dukes of York and Cumberland, Sir O. Bridgman, Keeper of the Great Seal, Archbishop of York, 10 Bishops, 2 Dukes, 1 Marquis, Robert, Earl of Lyndsey, Lord Great Chamberlain, James, Earl of Brecknock, Lord Steward, Edward, Earl of Manchester, Lord Chamberlain, 15 Earls, 21 Barons. *Absent,* 42 Barons, 12 Bishops, 5 Viscounts, 34 Earls, 2 Marquisses, 5 Dukes, Lord Keeper of the Privy Seal, Archbishop of Canterbury.

It is referred to the Committee of Privileges to consider of the Lord Banburie, omitted in the List of Lords.

November 3. (Wednesday.) The Commons Order a new Writ for Bath, in place of William Pryn, Esq., deceased.

Nov. 6. The Lord Chief Justice Vaughan is Commissioned as Speaker, the Lord Keeper being Sick.

Nov. 2. A Call is made of the Lords Absent at the last Call.

Resolved. That a fine of £40 be put upon those now absent, namely 10 Barons, 8 Bishops, 2 Viscounts, 25 Earls, 2 Marquisses and 5 Dukes, of whom Seven only are excused.

Nov. 22. An Act passes the Lords, "for limiting certain Trials in Parliament and Privilege of Parliament, and for farther ascertaining the Trials of Peers, and all other His Majesty's Liege Subjects." Two Peers Protest.

The Commons Resolve, That the Right of Election for Evesham is in the Common Burgesses, and the Select Election by the Mayor, Aldermen and chief Burgesses, is not good.

A Member is reprehended for detaining in his hands the Writ for the Borough of Tamworth.

(b) Cases of Privilege in the Lords' House, in the Session Feb. 6, 1668, are (Feb. 15) against a Riot on a Peer's Estate; (Feb. 29) a Tenant arrested for Tithes; (April 1) on disturbed Possession in a House. In the Commons, (Feb. 21) a Witness in a Cause in the House; (March 10) on Horses and Goods taken in Execution; (April 10) on Subpoena; (April 13) on seizure of certain Salt Works; (April 20) on a Summons to the Herald's Court, and on arrest of a female Servant, and Tenants turned out of Possession; (May 1) on certain Tin seized.

Divisions in February were, 117-190; 122-99; 96-78. In March, 128-66; 72-36; 66-41; 124-96; 68-37; 42-26; 25-25; 68-39. In April, 56-29; 55-53; 125-78; 176-79; 116-73; 36-36; 79-60; 74-70; 149-46; 79-77; 98-75; 124-58; 79-74; 76-74; 81-41; 84-69; 100-93; 144-78. In May, 131-93; 32-23; 33-21.

1669.

A. R.

21

Nov. 25. A Report is made on the Title of the Earl of Banbury.

December 7. (Tuesday.) The Commons Resolve, that for the Town of Bridgewater, the Right is in the majority of the Corporation, consisting of a Mayor, Aldermen and Capital Burgesses; Total 24.

In the present case, eleven gave their voices for Mr. Palmer, and eleven for Sir F. Rolle. The Mayor as a *Burgess* gave his voice for him, and then as *Mayor* gave his casting vote. Some, not elected Burgesses, gave their voices for Sir F. Rolle. Resolved. Mr. Palmer is duly chosen.

Dec. 11. His Majesty prorogues the Parliament, by Commission, to the 14th February. (c)

1670.

A. R.

22

February 14. (Monday.) (Ninth Session of the Second Parliament.) The King and Lord Keeper speak.

Benjamin Mildmay, Lord Fitzwalter, takes his Seat on a Writ, and is placed, with a Salvo, as the lowest Baron.

The Commons Order a Writ, &c., in place of Mr. Serjeant Littleton, called up as an Assistant to the House of Lords; and many others.

Feb. 21. The Lords' House is called. Present, the Dukes of York and Cumberland, 2 Archbishops, 11 Bishops, Keeper of the Great Seal, Duke of Richmond, Marquis of Worcester, Lord High Chamberlain, Lord Steward, Lord Chamberlain, 29 Earls, 5 Viscounts, 38 Barons. Absent, 25 Barons, 11 Bishops, 4 Viscounts, 26 Earls, 2 Marquises, 6 Dukes, Lord Keeper of the Privy Seal.

Feb. 23. A Petition of the Earl of Banbury for a Writ of Summons is referred.

March 4. (Friday.) The Lords send down a vote on the Union between England and Scotland.

March 17. W., Earl of Marlborough takes his Seat on a Writ, 15 March, 22 Car. 2.

March 21. The King (for the first time) attends a Debate. "He was come to revive a Custom of his Predecessors long discontinued, to be present, but not to interrupt the freedom of Debate;" he desires the Lords to sit down, put on their Hats and proceed.

March 23. "Memorandum; Before the Messengers of the House of Commons were called in, the King withdrew, and he returned into the Chair of State after the Message was declared."

March 24. Ordered, That the King be thanked for coming frequently to the House.

Ordered. No Strangers to be admitted when the House is sitting.

March 26. The Commons Resolve, that the Right of Election for the Borough of Tamworth is in the Bailiffs and 24 Capital Burgesses, and not in the Populacy and Burgesses at large.

March 30. "Memorandum, (in the Lords), His Majesty did not withdraw, but sat in his Chair when a Message was delivered from the Commons."

(c) Cases of Privilege occurred in the Lords, (Oct. 29) arrest of a Servant; (Nov. 15) in a Suit; (Dec. 3) on Arrest; (Dec. 8) a Ditch made in Freehold Lands.

In the Commons, (Nov. 19) on Assault; (Nov. 27) a Subpoena; (Dec. 1) on trial of Tenants.

Divisions in October were none. In November, 127-126; 146-93; 158-129; 133-170; 158-117; 182-144. In December, 116-114; 141-118; 110-70; 29-19; 95-35; 128-90; 100-97.

No Act had been passed in this Session.

Ordered. Lords having occasion to speak with one another, the House sitting, to go below the Bar, or the Speaker to stop the Proceedings. 1670. A. R. 22

April 5. (Tuesday.) In a Bill against Conventicles, seven Peers Protest against a Clause for searching Peers' Houses.

April 8. The *Commons Order*, that the Back Door of the Speaker's Chambers be nailed up, and not opened during any Sessions of Parliament.

Resolved. Sir John Prettiman to be suspended sitting and from all Privileges, for claiming for one, *not* his Menial Servant in truth.

April 11. Ordered, that the Lords do assert it to be their undoubted Right in Judicature, to receive and determine Appeals in Inferior Courts, though a Member of either House be concerned, that there may be no failure of Justice in the Land.

The King passes 38 Acts, and the Houses *adjourn* to the 24th of October, according to His Majesty's pleasure. (d)

October 24. (Monday.) Lord Howard, of Castle Rising, is introduced by Patent, 27 March, 21 Car. 2, and by Writ of Summons, and is placed at the lower end of the Barons' Bench.

Lord Lovelace sits on a Writ of Summons, on the death of his Father.

The Duke of Monmouth is introduced on a Patent, 10 Feb., 15 Car. 2, and Writ, 21 Oct., 22 Car. 2.

The King and Lord Keeper address the Parliament.

Nov. 4. Counsel are heard, in the *Lords*, on the Precedency of Lord Fitzwalter.

Nov. 10. The *Lords* adjudge, with his Lordship's consent, and with a Salvo, that Lord Fitzwalter be placed as last Baron of the Reign of Edward the First.

Nov. 14. The House is called. *Present*, 73 Peers; *Absent*, 94.

Nov. 16. Charles, Lord Mohun, of Okehampton, sits by Writ, 21 Oct., 22 Car. 2, on coming of age, after the decease of his Father, Warwick, Lord Mohun.

The Earl of Westmoreland, dispossessed of some Possessions, claims Privilege, but being heard at the Bar, is disallowed.

Nov. 23. The Lord Chief Justice of the King's Bench, being sick, it is *Ordered* that Writs of Error be brought in by the Senior Judge sitting in that Court.

Dec. 5. (Monday.) Edward, Lord Ward de Bermingham, takes his Seat by Writ of Summons, 3 Nov., 22 Car. 2, on death of his Father, Humble, Lord Ward.

Dec. 19. A Petition for Precedency from George, Lord Berkeley, is, by the King, referred to the Lords.

Dec. 20. The *Commons Resolve*, that Defaulters on the 9th of Jan., shall be doubly assessed in the Bill of Subsidies.

(d) Cases of Privilege in the *Lords* are, (Feb. 21) To a Proctor in Convocation, on Arrest; (March 9) on a Suit against a Household Steward; also against Possession taken of a Mill, belonging to a Menial Servant; (March 12) against forcible entry by Constables; (April 9) against Proceedings at Law against Tenants; (April 11) on a Peer's coach broken, and a rescue of the offenders.

In the *Commons*, (Feb. 17) on arrest of a Servant; (Feb. 19) in Action against Tenant for Tithes; (March 5) on arrest of Servant; (March 15) against contemptuous words spoken; (March 28) the same; (March 30) on distraint of Cattle.

Divisions in *February* were, 137-130; 175-138; 176-127; 155-125. In *March*, 91-83; 98-72; 69-52; 92-87; 113-67; 100-99; 45-32; 44-41; 90-84; 122-68; 141-65. In *April*, 42-35; 45-28; 47-30; 74-40.

See the Proceedings at large on the Question of Judicature, Parl. Hist. iv. 370.

After March 21, the King, during the rest of his Reign, frequently attended the Lords' House.

The Houses *adjourn* to the 29th, and then to Jan. 3, when they meet. (c)

1671.

A. R.

22

January 9. (Monday.) The Commons House is called. Defaulters are ordered to attend this day se'nnight, under the former Penalty.

Jan. 10. The Commons adopt Resolutions as to an Assault upon Sir John Coventry; and Order a Bill for the Surrender of the Perpetrators of the Assault under Penalty of Banishment, &c.

Jan. 14. The Lords Order a Committee on an Assault upon the Lord Steward.

The Commons pass and send up an Act "to prevent Malicious Maiming and Wounding."

Jan. 16. His Majesty appoints Sir Edward Carteret to be Gentleman Usher of the Black Rod, in place of Sir J. Ayton. It passes the Lords on the 24th.

Jan. 18. The Commons Order a new Writ for the County of Devon, instead of the now Duke of Albemarle.

Information is given of Endeavours to forestal a free Election, by Papers in the nature of Warrants.

Resolved, the sending of Warrants or Letters, &c., to be communicated to Freeholders, or other Electors, is unparliamentary and a Violation of the Rights of Elections.

Jan. 26. The King reprimands the Lords' House for Disorder.

Privilege is allowed to Dame Elizabeth Harby, the Queen Majesty's Servant, in a Suit.

A. R.

23

February 6. (Monday.) The Lords Resolve that Proxies shall be allowed, after the Numbers on a Division are given in.

Feb. 10. The Lords' House is called. Present, 67. Absent, 97 Peers.

The Commons Resolve that in Elections for the Town of Seaford, the Bailiff, Jurors, and Freemen have not voices alone, but also the "Populacy."

Feb. 14. "Lord Berkeley claims not against the Duke of Norfolk, as Lord Mowbray, but against the Lords Delawarr, Audley, and Abergavenny."

Feb. 16. The Commons Resolve that Defaulters, not allowed, shall be sent for in Custody, at their own Charge, and receive the Sentence of the House at the Bar, &c.

Sir John Colladon, Knight, Ancient Servant and Physician to His Majesty, claims Privilege in a Suit, but is, by the Lords, refused.

Feb. 17. Report is made in the Commons on the Causes of the growth of Popery, with Remedies. A Petition to the King thereon is agreed to by the Lords, March 10.

Feb. 20. Resolved by the Commons, that 20 Members shall be sent for in Custody of the Serjeant-at-Arms.

March 1. (Wednesday.) The Duke of Bucks is allowed Privilege for an Assault upon his Servants, in watch for the Preservation of his Deer.

March 2. At a Conference on a Subsidy Bill, the Commons

(c) Cases of Privilege in the Lords are, (Oct 27) on "outed" Possession of Premises; (Oct. 31) on Violent Entrance by Bailiffs; (Nov. 4) on molestation in collecting Tithes; (Dec. 2) on Writ of Outlawry. In the Commons, (Oct. 31) against seizure of Sheep, &c.; (Nov. 4) against Subpoena out of Chancery; (Nov. 10) against forcible entry upon House and Land; (Nov. 16) against Subpoena; (Nov. 24) a Tenant turned out; (Nov. 28) on an Injunction out of Chancery.

Divisions in October were none. In November, 56-55; 43-30. In December, 152-100; 130-66; 128-112; 124-111; 137-84; 41-36; 69-63.

object to a Clause against breaking open the Houses of Peers for non-payment of the Tax assessed by this Bill. The Lords agree to leave out the said Clause. 1671.
A. R.
23

March 4. The Duke of Richmond claims Privilege for his Gentleman of the Horse, sued upon the Statute of Recusancy.

March 9. The Question, to Commit a Bill "on Privilege of Parliament," is negatived, with the Protest of 15 Peers: the Earl of Anglesey entering, "Because I conceive there is no Colour of Law to claim a Privilege of freedom from Suits, and for many other Reasons."

March 13. The *Lords Order*, that after a Question is put, and the House hath voted upon it, no Lord is to depart until the House have either entered on some other business, or upon consideration of adjourning the House.

March 20. The *Lords* appoint a Committee to discover the Publishers of a Libel derogatory to His Majesty and the Government, &c.

March 30. The *Lords Resolve*, that the House of Commons inserting a Clause in a Bill, while a Bill to the same effect is depending between the Houses, is unparliamentary.

April 4. (Tuesday.) The *Lords Order*, that no Foreign Nobility shall interfere at the Funeral of Her Royal Highness the Duchess of York, To-morrow, when the Peers attend according to their Places.

April 7. The Earl of Dorset is allowed Privilege against a Claim of Land by the Hospital of Bridewell.

April 10. The *Lords* sending down for a Conference touching an Address to His Majesty, and not mentioning the Subject matter, the *Commons Order* a Committee to search Precedents for Messages between the Houses, and to Report thereon.

April 11. The *Lords* conceive it unparliamentary and contrary to all Ancient Precedents and Proceedings to agree to one part of a Message and deny Another.

In the *Commons*, "The *Lords* having received from the House of Commons an Answer which their Lordships conceive so unparliamentary that they could not proceed in that Conference, desire a Conference on that Answer, in the Painted Chamber, at 5;" to which the *Commons* agree.

April 12. At the Conference, the *Commons* conceive their Lordships were very sudden, by a Message, to term it unparliamentary, before Reasons were heard on either side; and conceive that there is hardly a Precedent to be found, when, by a Message, before any Conference, the *Lords* or *Commons* have called any thing unparliamentary.

April 13. The *Commons Resolve*, nem. con., that in all Aids given to the King by the *Commons*, the Rate of Tax ought not to be altered by the *Lords*.

April 17. Report is made in the *Lords* on the Conference. The *Lords* give their Reasons at great length, and assert that "to make such Amendments and Abatements, both as to Matter, Measure, and Time, in Acts for Rates and Impositions, is a fundamental, inherent and undoubted Right of the House of Peers, from which they cannot depart." (S)

April 20. Report is made from another Conference, "on the matter of Privilege arising from the *Lords'* Alterations of the Rate."

(S) For Reasons, see *Lords' Journals*, XII. 503, and *Commons' Journals* IX. 239.

1671.

A. R.
23

The *Commons* appoint a Committee to consider the *Reasons* and *Precedents*.

They *Order* the *Lords* to be informed of a mistake in asking a *Free Conference*, when there had been but one Conference on the *Matter*. The *Lords* admit the *Mistake*.

Ordered. A Committee to peruse the *Journal* of the *House*, for the *Proviso*, *Hen. 8*, insisted upon by the *Lords* in the *Bill* of *Impositions*.

April 22. An *Additional Report* is made in the *Lords*. They *Resolve* that this *House* is not satisfied with their *Reasons* and *Precedents*, and do much dislike the unusual *Expressions* of the *Commons*, at the last Conference.

The *Commons Resolve*, that the *Lords Commissioners* of the *Treasury* do recommend to his Majesty to give *Order* for a *Recompense* to the *Chaplain*, *Officers*, and *Servants*, attending this *House*.

Resolved, That *Thanks* be given to *Mr. Attorney General* for his great pains and care, in preparing and drawing up the *Reasons*, in *Answer* to the *Lords*.

The *King* assents to 18 *Public* and 14 *Private Acts*, and *PROROGUES* the *Parliament* to the 16th day of *April* next. (g)

1672.

A. R.
24

April 16. (*Tuesday*.) A *Commission of PROROGATION* to the 30th of *October*, is read.

October 30. (*Wednesday*.) A further *PROROGATION* takes place to the 4th of *February*.

Henry, *Lord Arlington*, created *Earl of Arlington*, is introduced on his *Patent*, 22 *April*, 22 *Car. II.*, and is placed lowest on the *Earls' Bench*.

Thomas Clifford, *Miles*, created *Lord Clifford de Chudleigh*, is introduced on his *Patent*, 22 *April*, 24 *Car. II.*, and is placed at the lower end of the *Barons' Bench*.

Anthony, *Lord Ashley*, created *Earl of Shaftsbury*, by *Patent*, 23 *April*, 24 *Car. II.*, is introduced.

Henry, *Lord Howard*, of *Castle Rising*, created *Earl of Norwich*, and *Earl Marshall* of *England*, by *Patent*, 19 *Oct.*, 24 *Car. II.*, is introduced, and placed as *Earl Marshall*.

Edward, *Earl of Sandwich*, takes his *Seat*, on the death of his *Father*, *Edward*, *Lord Sandwich*.

1673.

A. R.
25

February 4. (*Tuesday*.) The *Tenth Session* of the *Second Parliament* opens.

The *King* is present.

Ludovicus Duras, *Chevalier*, created *Lord Duras de Holdenby*, by *Patent*, 29 *Jan.*, 24 *Car. II.*, and *Writ* of 1 *Feb.*, A. 25, is introduced, and placed as lowest *Baron*.

Ralph, *Lord Eure*, brother to *George*, *Lord Eure*, deceased, first sits, by *Writ*, 23 *Jan.*, 24 *Car. II.*

(g) Cases of Privilege were in the *Lords*, (*January 14*, 1671) a female *Servant* Arrested; (*Jan. 17*) 3 *Cows* driven away; (*Jan. 23*) to the *Duke of York*, against an *Action of Ejectment* in "certain *Oyster-Layings*"; " (*Feb. 7*) on *Proceedings* against *Tenants*. (*Feb. 8*) a *Servant* Arrested; (*Feb. 25*) against *Proceedings* in *Chancery*; (*Feb. 27*) a *Tenant* served with *Ejectment*. In the *Commons*, (*Jan. 24*) *Assault* and *Rescue*, to *Serjeant-at Arms*; (*Feb. 18*) *Subpoena* to *Servant*; (*Feb. 23*) on *Assault* in execution of *Office* as *Justice of Peace*; also, on *Arrest* of *Servant* employed to sell *Cattle*; (*March 6*) on stopping a *Watercourse*; (*April 18*) on an *Assault*, and contemptuous *Words*; also, for *Expressions* against *Words* spoken in this *House*.

Divisions in *January* were, 169-117; 170-109. In *February*, 108-102; 135-95; 120-58; 115-93; 82-63; 71-62. In *March*, 91-71; 56-49; 63-31; 104-87; 73-49; 77-29; 57-46; 82-63; 66-62; 43-20; 77-53; 30-26; 28-13. In *April*, 71-36; 67-34; 74-53; 67-60; 49-31.

Robert, Earl of Manchester first sits, in place of his Father, Edward, Earl of Manchester, by Writ, 22 Jan., 24 Car. II. 1673.
A. R.
25

Lord Lucas de Shenvile first sits, on the death of John, Lord Lucas, deceased, by Writ, 28 Jan., 24 Car. II.

The Commons are Ordered to choose a Speaker in place of Sir Edward Turner, made Chief Baron of the Exchequer.

Committees of Privileges, Journals, and Petitions, are named, and customary Order made, to prevent Stoppages in the Streets of Westminster.

Sir Job Charlton, Serjeant at Law, is chosen (and approved) as Speaker.

Feb. 6. William, Lord Stourton, of Stourton, first sits by Descent, on Writ of Summons of 4 Feb., 25 Car. II.

Feb. 6. The Commons Resolve, That during the continuance of the House of Commons of Parliament, the Right and Power of issuing Writs for such Places as are vacant, is in this House, who are the proper Judges also of Elections and Returns.

Resolved. All Elections upon Writs issued since the last Session are void.

Resolved. Warrants to the Clerk of the Crown to supersede all Writs issued for electing Persons since the last Session, that were not executed before the first day of the sitting of the House this Session, and for making new Writs in room of those superseded.

Thirty-six such Writs are Ordered, accordingly. (h)

Feb. 10. John, Duke of Somerset, takes his Seat, upon Descent, by Writ of Summons, 5 Feb., 25 Car. II.

On Debate of his Majesty's Speech, the Commons Resolve, by 168 against 116, "That Penal Statutes in Matters Ecclesiastical cannot be Suspende*d*, but by Act of Parliament."

Feb. 13. The Lords' House is called. *Present*, 75 Peers; *Absent*, 87.

Feb. 14. The Commons address his Majesty on the above Resolution.

Resolved, nem. con. A Bill for ease of his Majesty's Subjects that are Dissenters in Matters of Religion, from the Church of England.

Feb. 15. Theophilus, Earl of Huntingdon, first Sits by Descent, by Proxy. Writ, 15 April, 24 Car. II.

Feb. 18. Edward Seymour, Esq., is presented as Speaker, on the illness of Sir Job Charlton.

Jacob, Lord Ashley, first sits upon Descent, by Writ, 14 Feb., 25 Car. II.

A Committee is appointed to alter the Seats of the Lords' House.

March 1. (Saturday) His Majesty's Speech complains of Addresses received from the House of Commons.

The Lords thank his Majesty for his Communications on this subject.

The Commons Read a Bill for enabling the County Palatine of Durham to send Knights and Burgesses.

(h) It appears that during this long interval of Parliament, many members of the Commons were dead, and others taken into custody. The Lord Chancellor Shaftesbury had, in the mean time, issued Writs, and made Elections and Returns, without order or warrant from the House, and "though it was shewn that during Prorogations, such Writs had formerly issued, yet the late practice being otherwise, and the current strong that way, and the Court Party not able to hinder, all these Elections are voted null, and new Writs ordered."

1673.

A. D.

25

March 3. The *Commons* address his Majesty to suppress the Growth of Popery.

March 4. The *Lords Resolve*, that the King's Answer to the House of Commons, in referring controverted Points in a Parliamentary way, by Bill, is good and gracious, that being a proper and natural course for satisfaction therein.

March 8. The King *cancels his Declaration for the Suspension of Penal Laws*. Both Houses thank his Majesty.

March 10. On the Question, in the *Commons*, that it be an Instruction to the Committee, that such as dissent from the Church of England, be incapable to serve as Members of this House, the Yeas are 107, the Noes, 163.

Resolved, a distinct Bill on this Subject.

March 15. In the Debate on the Supply Bill,

Sir Thomas Littleton says, "Sir Henry Vane was the first who ever proposed a Question, 'Whether a Question should now be put?' commonly called the Previous Question; and since, it has been always the Forerunner of putting the thing in Question quite out."

Sir W. Coventry. "There is great difference between, 'Whether the Question shall be put, and now put.' It is no new thing to put that Question in point of Adjournment, and if it passed in the Negative, it never was but that the House was afterwards adjourned."

March 18. The *Commons Resolve* on an Address to his Majesty, concerning the State and Condition of Ireland, and the Danger of the English Protestant Interest there.

March 24. On Petition of the Clerk Assistant, the Under Clerks and Officers, the *Commons Order* every Knight to pay 10s., others 5s.

March 25. An Act for the County Palatine of Durham, &c., passes the Lords. (i)

March 27. The *Lords*, in reference to the Titles of Foreign Nobility, named Commissioners in a Bill of Supply, *Order*, "that they may not prejudice the Nobility of England."

March 28. The Bill for the King's General Pardon passes both Houses, on a Single Reading.

"Mem. All the Lords sat uncovered during the Reading of this Act, and at the putting of the Question, and when they stood up to give their Votes, did continue standing, so uncovered, until all the Lords had done Voting."

James Percy claims the Earldom of Northumberland. The Lords dismiss his Petition, and *Resolve* to proceed against him as an Impostor. The Earl of Anglesey Protests.

(i) In 1653 there had been one member for Durham, and in 1654 and 1656, two for the County, and one for the City. In 1659, Richard Cromwell had reverted to the old distribution of Elective Franchise, and there were no members for the County or City (see Diary III., 395), though having, as was said, "as much a possessory right as Scotland or Ireland." (iv. 180-2) "This County or Bishoprick, (says Willis, *Notitia Parliamentaria* in *Magna Britanica*, (1720) (i. 636) having anciently a petty King or Palatine of its own, who called a Parliament of his own Barons, was looked upon as an exempt Jurisdiction, and was either not permitted, or did not claim the Privilege, of sending any Members to Parliament." In 1660 (Aug. 8) the Commons passed a Bill to enable the County of Durham to send Members, but it never became a Statute. In this year (1673) a Bill was first read in the Commons on the 1st of March, and passed the Lords on the 25th. Proceedings thereupon were still delayed, and it was not till the 14th May, 1675, that the Speaker is ordered to issue a Warrant for a Writ for the County. The order for the City is even then deferred, "it appearing not plain who shall order the Election, or be judge of the Poll." Willis *Not. Parl.*, ii. 334, gives the first Return for the City 31 Car. 2. (1679-80.) A Writ was, however, ordered, Feb. 23, 1678.

March 29. Report is made in the *Lords* concerning Judicature, and the continuance of business from Session to Session. 1673.

Resolved. Businesses depending in one Parliament, or Session of Parliament, have been continued to the next Session of the same Parliament, and the Proceedings thereupon have remained in the same state in which they were left when last in Agitation.

The King gives Assent to 1 Subsidy Bill, 9 Public and 11 Private Bills.

The Houses adjourn to the 20th October, according to His Majesty's pleasure.

October 20. (*Monday.*) Thomas Osborne, Baronet, created Baron de Kiveton, (York) and Viscount Latymer, by Patent, 15 August, 25 Car. 2, and Writ, 17 Oct., (do.) is introduced, and placed at the lower end of the Earls' Bench, and afterwards, near the upper end, as Lord Treasurer of England.

Robert Paston, created Baron Paston de Paston, and Viscount de Yarmouth, is introduced, by Patent, 19 Aug., 25 Car. 2, and Writ, 17 Oct., do. Richard, Lord Butler, created Baron de Weston, by Patent, 27 Aug., 25 Car. 2, is introduced on Writ of 17 Oct.

Sir Paul Neale sitting as a Member for Newark, by virtue of the King's Privilege granted to that Borough, "which Charter has taken in many Towns, which were not in the former Charter, to their great prejudice," he *withdraws*, and the debate drops.

The Parliament is prorogued to the 27th October.

October 27. (*Monday.*) The *Eleventh* Session of the Second Parliament commences.

The King and Lord Chancellor speak.

Charles North, Lord Grey de Rolleston, Chevalier, is introduced, on Writ of 24th October, and is placed at the lower end of the Barons' Bench.

Ordered. The House to be cleared when His Majesty is present. (*k*)

November 4. (*Tuesday.*) His Majesty *PROROGUES* the Parliament till the 7th of January.

January 7. (*Wednesday.*) The *Twelfth* Session of the Second Parliament opens. 1674.

The King and the Lord Keeper Finch, address the Houses.

Jan. 9. The *Lords Order*, that after the Question has been entirely put by the Speaker, no Lord shall speak against the Question before voting.

Jan. 12. Sir Heneage Finch, Baronet, Lord Keeper of the Great Seal, created Heneage, Lord Finch de Daventry, is introduced. He lays down his Patent (10 Jan., 25 Car. 2) and Writ (10 Jan.) upon the Chair of State, kneeling. He is first placed at the lower end of the Barons' Bench, then, as Lord Keeper, at the upper end of the Earls' Bench, and then takes his place on the Woolsack, as Speaker of the House.

(*k*) Cases of Privilege in the *Lords* were in Feb., 1673, (Feb. 25) against Fishing in certain Waters, and on Arrest of a Servant; (March 13) against a Writ of Recordari returnable in the King's Bench. In the *Commons*, (Feb. 8) on a Subpoena in Chancery, and on Seizure of Coach and Horses; (Feb. 25) on an assault; (March 1) on Arrest of an Agent; (March 13) on detention as a Prisoner in Execution.

Divisions in *February* were, 100-103; 108-116; 125-110; 142-123. In *March*, 125-110; 127-112; 142-118; 141-102; 163-107; 31-23; 146-123; 122-119; 181-101; 136-138; 108-61; 151-94; 85-64; 91-85; 115-60; 76-60; 109-104; 114-102; 105-105; 136-75. In *October*, 184-58.

March 29. The *Commons* divide 105 to 105, and the Speaker giving his casting vote for adjourning, desires his Reason may be put upon Record, "that he was very hungry." "It being Nine o'clock and Easter Eve, the Houses adjourn."

1674

A. D.

25

The House is called. Present, 103; Absent, 69 Peers.

Ordered. The Oath of Allegiance to be taken by all Lords according to the Standing Orders of the House.

In the *Commons*, Mr. Mallet, reading a Speech, is called to order.

Sir Charles Harbord. "The Precedent is dangerous. The Attorney General, now Lord Keeper, reprehended him for making use of Heads in a Paper. Pray let Speeches be never read in Parliament."

Sir Thomas Lees. "If his Memory be not so good as others, he may be indulged to make use of his Paper."

Mr. Garroway. "It may be Mr. Mallet cannot contract his notions, as other men can do, and he would have him read his Speech. You may wink and it is the same thing."

Sir Robert Howard. "Reading all and reading some is the same."

Sir William Lewis. "Though he is not for reading entire Speeches, yet Notes are always commendable."

Mr. Mallet is suffered to proceed, but not to be admitted to do so in future.

Jan. 13. The *Lords* take the Oath, the Gentleman Usher holding the Bible, and the Clerk of the Crown reading the Oath.

The *Commons Resolve*, on an Address to His Majesty to remove the Earl of Lauderdale and Duke of Bucks from his Councils, &c.

Jan. 20. The *Lords* make an *Order* against Lords answering in the House of Commons, either in Person, in Writing, or by Counsel, as it may deeply intrrench on the Privileges of this House.

In the *Commons*, the Question of an address to remove the Earl of Arlington, is negatived by 166 against 127.

Resolved, a Committee to consider of an Impeachment.

Jan. 21. The *Lords Resolve*, that the Lord Viscount Montague, not being a convicted Recusant, shall have Privilege and Discharge of all Proceedings against him, for Recusancy, since Privilege began and during its continuance.

The *Commons Order* Mr. Speaker to present such Ancient Orders as are for better decency, and orderly sitting in the House.

A Debate takes place on Elections. It is said, "The Expences are so vast, that it goes beyond all bounds. These Charges arise commonly from Competitors who live in another County. Some carry their Elections by awe and force, and some by ability to expend. The Penalty of a Sheriff for a false Return is but £100, and in spending £1500, the Sheriff may well be gratified by the Party returned, for his Fine. The Person Elected ought, by the Statutes, to be resident in the Borough or County, for which he is chosen, but that is antiquated and out of practice; but, if you restrain it to persons resident in the County, to be chosen in Boroughs, or that have Estates in that County, you may do well. Though the Old Statute is really a Law, but out of practice, this may cure all the Evils."

Mr. Waller. "Let us mend our proceedings here, and we shall mend Electors. Times are much changed. Formerly, the neighbourhood desired him to serve, there was a dinner, and so an end. But now, it is a kind of an Empire. Some hundred years ago, many Boroughs sent not. They could get none to serve. Now it is in fashion, and a fine thing, they are revived. Some Bishops and Lords for their poverty have been excused. It comes by Custom. There is no appeal from us, and we judge elections with impunity. What we should take most care of, we take least."

Resolved. That a Committee be appointed to bring in one or more Bills for the regulating of Elections of Members to serve in Parliament; and for the better ascertaining of the Returns of Members to be elected; and for the better attendance of such as are elected and returned. 1674.

Jan. 26. Thomas Leigh, de Stonely, Chevalier, first sits, on the decease of his Grandfather, Thomas, Lord Leigh, (Writ, 20 Jan., 25 Car. 2.) A. R. 25

Jan. 27. The Marquis of Winton, Earl of Norwich, (Earl Marshall), Lord Viscount Montague, Earl of Cardigan, Lord Petre, Lord Bellasis and Lord Arundell of Wardour, not convicted Recusants, are allowed Privilege not to be proceeded against for Recusancy.

Jan. 29. Lady Margaret, Marchioness Dowager of Worcester, is allowed Privilege against Proceedings. A. R. 26

Feb. 3. The *Lords Resolve* on a Bill for Securing the Protestant Religion; one Head to be that the eldest Sons of Roman Catholic Peers shall be bred up in the Protestant Religion, as established, during their Fathers' Lives.

Feb. 7. The *Lords Resolve*, on a Report, that the Lady Obryan hath Right to the Barony of Clifton of Leighton Bromswold, Huntingdonshire.

Feb. 9. A Bill for better regulating the Trials of Peers passes the Lords.

A Member of Convocation is allowed Privilege on Arrest.

Feb. 11. Report is made, and agreed to, in the Lords, as to the Privilege of Peers' Children.

(1) That Peers' Children, under age, unmarried, and living in their Father's House, ought to have *Privilege of Parliament*, against Indictments and Prosecutions for Recusancy.

(2) That all such have Privilege from Arrests.

(3) That they ought to have Privilege of Parliament, in freedom from Arrests.

Christopher, Lord Tenham, sits upon the death of his Father.

Feb. 12. The *Lords Order*, that the Earl of Norwich's Sons shall be Privileged against a Prosecution for Recusancy.

Feb. 14. The *Commons* appoint a Committee to consider how the King may commit any Subject by his immediate Warrant, as the Law now stands.

Feb. 18. The Marquis of Winton's Servants are allowed Privilege on Recusancy.

The Earl of Essex obtains Privilege concerning the late Earl of Northumberland's Estate.

Feb. 21. The *Commons* allow Privilege to Captain Manning, Menial Servant to Sir John Coriton, on an Arrest.

Feb. 24. His Majesty prorogues the Parliament till the 10th November. (1)

November 10. (Tuesday.) Ralph, Lord Grey de Warke is introduced on the death of his Father, William, Lord Grey de Warke.

William, Earl of Powis is introduced, on Patent, 4 April, 26 Car. 2, and placed at the lower end of the Earls' Bench.

(1) Cases of Privilege (not noticed above) were, in the *Lords*, (Jan. 13) against dis-possession of Tithes; (Feb. 7) against scandalous words. In the *Commons*, against distraint of a Tenant's Horse; (Feb. 14) against forcible possession of a Chamber.

Divisions in *January* were, 191-139; 197-97; 166-127. In *February*, 142-124; 147-117; 137-108; 147-141; 77-43; 179-106.

* The Recess from February 24, 1674, to April 13, 1675 is nearly of Fourteen Months.

1674. John, Earl of Guildford is introduced, by Patent, 25 June,
A. R. 26 Car. 2, and Writ, 7 Nov.
28 Thomas, Earl of Derby is introduced by Patent, 27 June
26 Car. 2, and without Writ, and is placed at the lower end of
the Earls' Bench.
The Parliament is **PROROGUED**, by Commission, to April 13.
1675. April 13. (*Tuesday*.) The *Thirteenth Session* of the Second
A. R. Parliament opens.
27 Lord Newport, created Viscount Newport de Bradford is in-
troduced by Patent, 11 March, 27 Car. 2.
Christopher, Duke of Albemarle first sits, on the death of his
Father, George, Duke of Albemarle, on Writ, 12 April,
27 Car. 2.
Charles, Marquis de Winton, first sits on the decease of his
Father, by Writ, 27 March, 27 Car. 2.
Phillip, Earl of Pembroke and Montgomery, sits on the death
of his Brother, William, Earl of Pembroke, by Writ, 12 April,
27 Car. 2.
Henry, Earl of Stamford, first sits on the death of his Grand-
father, Henry, Earl of Stamford, by Writ, 2 April, 27 Car. 2.
Henry, Earl of Clarendon, first sits on the death of his Father,
Edward, Earl of Clarendon, by Writ, 2 April, 27 Car. 2.
William, Viscount Say and Sele, first sits on the death of his
Uncle, James, Viscount Say and Sele, by Writ, 27 March,
27 Car. 2.
James, Norreys de Ricott, Chevalier, first sits as a Peer, by
Descent, on Writ dated 12 April, 27 Car. 2.
The King and Lord Keeper make Speeches. In the *Lords*,
the Question of *now* presenting Thanks to His Majesty for his
gracious Speech, is carried, with ten Protests.
In the *Commons*, Thanks are also voted to His Majesty.
Among new Writs Ordered, is one for Wilts, in place of Lord
Cornbury called to the Upper House; for Lynn, in place of Sir
Francis North, called up; and for Southampton, of Lord St.
John, called up to the Lords.
April 16. In the *Lords* it is *Ordered*, that on Wednesday, the
matter of Entering Reasons with Dissents, be considered.
April 17. Charles, Earl of Middlesex, is introduced, by Patent
of 4 Feb., 27 Car. 2, and Writ of 16 April, (do.)
April 20. The Earl of Dorset is allowed Privilege against the
Lord Mayor, who claims the Jurisdiction of Salisbury Court.
The *Commons Resolve*, by 143 against 67, "That Sir John
Prettiman, a Member, detained, be delivered out of the Custody
of the Marshall of the King's Bench, by sending the Serjeant-
at-Arms with the Mace, to bring him to the service of this
House."
Arguments *against* his Release and the Privilege of the
House, are drawn from the long continuance of Parliament.
April 21. Against a Bill to prevent dangers from disaffected
Persons, 23 Peers Protest, "as the highest Invasion of the
Liberties and Privileges of the Peerage, and of them as Members
of Parliament, &c."
April 22. The *Commons* allow Privilege to a Member dis-
placed from his Place of Recorder, for the City of Canterbury,
by the Mayor and Aldermen.
A Bill is read to prevent any Member of the House of Com-
mons taking any Public Office, but is rejected (29th) by 145-113.
April 24. The Lords' House is called. *Present*, Dukes of

York and Cumberland and 101 Peers. *Absent*, 79, (15th Infra 1675.
Ætatem, 16 Proxies.) A. R.

A Bill passes to regulate the Trial of Peers.

Twenty-one Peers Protest against the Commitment of a Bill.

The Commons read an Impeachment against the Earl of Danby, Lord High Treasurer.

April 30. The Lords Resolve, that no Oath shall be imposed by any Bill, or otherwise, on the Peers, with a Penalty in case of refusal, to lose their Places and votes in Parliament, or Liberty of Debates therein; and this to be a Standing Order.

Robert Villiers, Son and Heir of J. Viscount Purbeck, and Baron of Stoke, petitions for a Writ of Summons.

May 5. A Member of the Commons being directed to answer before the Lords, the Commons send up to assert their Privilege.

May 6. A Report is made, in the Lords, on the Privileges of the House of Commons, in Appeals to this House.

Resolved. It is the undoubted Right of the Lords in Judicature, to receive and determine, in time of Parliament, Appeals from Inferior Courts, though a Member of either House be concerned, that there may be no failure of Justice in the Land; and from this Right and the Exercise of it, their Lordships will not depart.

May 7. Sir John Fagg, from the House of Commons, appears personally on Summons, and is allowed time for his Answer.

May 10. The Lords Order a former Judgment of this House, not affirmed, to be Re-heard. Six Peers Protest.

The Commons refer to the Committee of Privileges a Petition, complaining of undue means and practices used in obtaining a Charter for sending two Burgesses to serve in Parliament for the Town of Newark. (m)

May 14. Dr. T. Shirley is arrested by a Warrant from the House of Commons, for prosecuting his Appeal against Sir J. Fagg, a Member, during Privilege.

The Commons send up a Complaint against Lord Mohun, for taking the Warrant from their Messenger.

The Lords Order, that the Lord Mohun hath done nothing but his Duty, and that Shirley be privileged and protected by the Authority of this House.

The Commons Resolve, that Mr. Speaker do issue his Warrant, &c., for the Election of Two Knights for the County of Durham, according to the Act of Parliament lately made.

Resolved. It appearing not plain who shall order the Election or be judge of the Poll, in the City of Durham, the further consideration is adjourned.

May 15. Thomas Cromwell de Oakham first sits, upon Descent, by Writ, 11 May, 27 Car. 2.

The Commons Resolve, that the Appeal brought by Dr. Shirley in the House of Lords against Sir John Fagg, a Member, and the Proceeding thereupon by Lord Mohun in forcibly taking and detaining the Warrant sent up for his Apprehension, is a Breach

(m) On a Division, in the debate on the King's Answer for recalling the Forces, a dispute respecting telling the numbers, grows so hot that all order is lost. The Speaker rising from his Seat near the Bar, in a resolute but slow pace, resumes the chair, saying, that to bring the House into Order again, he took the Chair, though not according to order. "The doing of it was generally approved, as the only expedient to repress the disorder." He maintained the dignity of the Chair, after that of the House was gone, and obliged every Member to stand up in his place, and engage his honour not to resent anything of that day's proceedings."

1675.
A. R.
27

of the undoubted Rights and Privileges of the House of Commons, the Commons therefore desire there may be no further Proceedings in this Cause.

On a Second and Similar Case, the Commons *Resolve*, that who-soever shall appear at the Bar of the Lords' House, to prosecute any Suit against any Member of this House, shall be deemed a Breaker and Infringer of the Rights and Privileges of this House.

May 17. In the Lords, Report is made of a Conference on Sir John Fagg. The Lords renew their former Resolution, and return the same Answer to a Message on an Appeal against another Member.

The Lords sending a Message to know if a Warrant signed by Edward Seymour, Speaker, is Ordered by this House: *Resolved*, "This Message is Unparliamentary."

At the Conference, the Commons deliver their Reasons

In a Debate on the Question, Whether any new Bill shall be received; Mr. Eyre "wishes the digestive faculty of the House were answerable to the hands that feed it, that they might dispatch what business is before them. He moves, that no others be received but what may come from the Lords," which is agreed to.

May 18. The Commons again *Resolve*, that it is the undoubted Right of this House, that none of their Members be summoned to attend the House of Lords during the sitting and Privilege of Parliament; and they desire another Conference.

May 19. The Duke of Bucks is allowed Privilege on the breaking open the Laboratory, and on Arrest of his Menial Servant.

May 20. Heads are submitted to the Lords for a Conference on Shirley's Appeal.

The Commons Report Reasons of Privilege in all Cases, except Treason, Felony and Breach of the Peace. (a)

May 21. Thomas, Earl of Sussex is introduced, by Patent, 5 Oct., 26 Car. II, and Writ, 19 May, 27.

Another Conference is held on the Question of Privilege.

May 26. The Commons' House is called. *Ordered*. Letters to the Sheriffs of Counties, and to the Mayor, Bailiff, and proper Officers of Cities, &c., whose Members are Defaulters, that Notice may be taken of the failure of their Duties, &c.

May 27. Four Counsel refuse to plead in the Lords against a Member of the Commons, by Order of the House of Commons.

The Lords *Order* the Counsel to attend, and refuse a Conference.

(a) (May 20, 1675.) The Commons maintain, that by the Laws and usage of Parliament, Privilege of Parliament belongs to every Member of the House of Commons in all Cases except Treason, Felony and Breach of the Peace, which hath often been declared in Parliament without any exception of Appeal. (1) That the reason of that Provision is, that the Members of the House of Commons now freely attend the affairs of that House, without disturbance or interruption, which doth extend as well to Appeals before the House of Peers, as to proceedings in other Courts. (2) That by the constant course and usage of Parliament, no Member of the House of Commons can attend the House of Lords, without the especial leave of that House first obtained, much less be summoned, or compelled to do so. (3) If the Lords shall proceed to hear and determine any Appeal, where the party neither can nor ought to attend, such proceedings would be contrary to the Rules of Justice. (4) That the not determining of an Appeal against a Member of the House of Commons, is not a failure of Justice, but only a Suspension of Proceedings in a Particular Case, during the continuance of that Parliament, which is but temporary. (5) That in case it were a failure of Justice, it is not to be remedied by the House of Lords alone, but it may be by Act of Parliament."

See the Lords' Answers, Cobbett's Parl. Hist. IV. 726-7.

May 28. The Lords allow Privilege to Lord Crew, against Reflections upon him, as a Trustee. 1675.

The Commons Resolve, that there lies no Appeal to the Judicature of the Lords in Parliament, from Courts of Equity. A. R. 27

Resolved, No Member of this House do prosecute any Appeal from any Court of Equity, before the House of Lords.

Report is made on the Lords refusing a Conference on the particular case, but agreeing as to their Privileges in General, and it is Resolved, that a Limitation (that nothing may be offered that may any way concern their Lordships' Judicature) is, in effect, a Denial of any Conference at all upon the desired Subject; and that this manner of agreeing to a Conference, is against the course of Proceedings betwixt the two Houses of Parliament, in coming to a Conference.

May 31. The Commons not attending a Conference desired, the Lords declare it an interruption to Parliamentary Proceedings, &c.

Sir J. Fagg having put in his Answer, Counsel are assigned to Shirley. (o)

June 1. (Tuesday.) Black Rod demands Serjeant Pemberton and other Counsel now in Custody of the Serjeant at Arms of the House of Commons, for appearing at the Bar of the House of Lords against a Member, &c.

The Commons Order, that Sir John Fagg be sent to the Tower, having, without Leave, put in his Answer, &c., "for breach of Privilege, after the matter of his Privilege, was, at his instance, in question in this House, and a Message sent up to the Lords in his behalf."

Mr. Dalmahoy, who had answered before any thing of the Privilege of this House was in Question, is excused.

June 2. Two of the Counsel, taken by the Gentleman Usher, report to the Lords the Proceedings of the House of Commons against them.

The Lords Order Protection and Privilege to the four Counsel, and that a Committee prepare Reasons concerning the attaching of the Counsel by the House of Commons.

The Commons Report Reasons to be delivered at a Conference.

Sir James Norfolk, Serjeant at Arms, having been by force interrupted in the Execution of an Order for the Arrest of Serjeant Pemberton and others; it is Resolved, that, for betraying his Trust, in not executing his Office according to Order, he be committed to the Tower, and his Majesty be addressed to appoint another Serjeant at Arms.

Ordered. Whereas, Sir James Norfolk, after Order pronounced for his Commitment, did withdraw, and is not to be found, the Serjeant at Arms, attending pro tempore, do apprehend him.

June 3. The Lords allow the Earl of Dorset Privilege against

(o) In the Lords other cases of Privilege were, in April, many on Arrests of Menial Servants; (May 28) against Actions at Law. In the Commons, (April 20) against Ejectment of Tenants; (April 29) against being Impleaded and forced to put in Bail; (May 5) against Declarations of Ejectment; (May 17) on Subpoena out of the Exchequer; on an Outlawry and Exigent thereon; on Summons to attend an Execution of a Commission out of Chancery; (May 11) Resistance in Execution of Warrant; (May 21) on an Injunction out of Chancery to restrain felling of Wood.

Divisions in April were, 143-67; 88-74; 133-111; 181-105; 145-112; 141-137. In May, 119-99; 146-132; 173-172; 154-108; 151-127; 109-131; 75-69; 146-119; 94-94; 124-116; 136-116.

1675.

A. D.

27

an Assault upon a Constable of Salisbury Court, his Lordship's Royalty.

The Lords take notice of the House of Commons ordering into Custody the Counsel at Law assigned by their Lordships in an Appeal, and declare it to be "an unexampled Usurpation and breach of Privilege against the House of Peers." They set them at liberty, and prohibit the Lieutenant of the Tower, and all other Keepers of Prisons, from arresting or imprisoning the said Gentlemen, and offer a Roll of Parliament, 1 Hen. IV.

June 4. The Commons thank Mr. Speaker for causing the four Counsel to be attached, and Order that they be sent to the Tower.

Resolved, John Topham, Esq., Serjeant at Arms, to have Privilege.

Report is made of Reasons against the Lords' Declaration, and Judgment on Matters of Privilege, referring, instead of 1 Hen. IV., to 4 Edw. III., n. 6.

The Lords Order the Serjeant at Arms to be attached; and an Address to the King to appoint a new Serjeant at Arms to the House of Commons.

His Majesty gives the Order accordingly.

The Lieutenant of the Tower refusing to give up the Counsel on an Order of the Lords, they Address His Majesty to remove him, which "the King cannot do with Justice."

June 5. The Commons receive a Message from His Majesty, "That whilst they are debating about their Privileges, he will not suffer his own to be invaded."

Resolved. "It doth not appear to this House that any member thereof hath either contrived or promoted the Difference between the two Houses, or in asserting the Rights of the Commons of England and the Privilege of this House, to have done anything inconsistent with his Duty or the Trust reposed in him."

June 7. The Lords Declare that the Lieutenant of the Tower has acted contrary to the Duty of his Place, and the Law of the Land.

Ordered, the Lord Keeper to issue Writs of Habeas Corpus, and J. Topham, late Serjeant, to be attached.

The Commons *Resolve*, nem. con., "If any Person or Persons shall be aiding and assisting in putting in Execution any Sentence or Judgment that may be given by the House of Lords on the Appeal against Sir John Fagg, he shall be adjudged a Betrayer of the Rights and Liberties of the Commons of England, and of the Privileges of the House, and shall be proceeded against accordingly."

Ordered, the Lords having Ordered a Habeas Corpus under the Great Seal for bringing the Counsel to their Bar, that a Committee do inspect the Lords' Journals touching the Commitment of the said Persons.

The Clerk of the Lords refuses an Inspection.

Resolved, No Person committed for Breach of Privilege, by Order of this House, ought to be discharged during the Session of Parliament, but by Order or Warrant of this House.

Resolved, The Lieutenant of the Tower shall have the Assistance and Protection of this House, and is not to remove or deliver Persons Committed, without the Order and Directions of this House.

June 8. The Lieutenant of the Tower refuses to deliver, as

the Writs of Habeas Corpus are made by the Cursitors, and not by the Clerk of the Crown.

1675.

A. R.

27

The Judges give their Opinions, "That being under the Great Seal of England, they are good and effectual in Law, by what hand soever written, and that an Alias Habeas Corpus is good in Law, and, notwithstanding the former is not returned, is well issued in that Case."

The *Lords Order* the Clerk of the Crown in Chancery to make out Alias Habeas Corpus.

The *Commons Order* Sir J. Robinson, Lieutenant of the Tower, to forbear to return the Four Writs of Habeas Corpus, and declare that he would be in no danger in not returning.

Resolved. A Committee to examine Precedents concerning Writs of Habeas Corpus, and Returns thereof, in like cases.

June 9. The *Commons Resolve*, that no Commoner of England, committed by Order or Writ of the House of Commons, for breach of Privilege, ought, without Order of the House, to be by any Writ of the House of Lords, or other authority whatsoever, made to appear and answer, and do and receive a Determination in the House of Peers, during that Session of Parliament, wherein such Person was so Committed.

Resolved. The Order of the House of Peers for issuing Writs of Habeas Corpus in this case, is Insufficient and Illegal, for that it is general, and expresses no particular cause of Privilege, and commands the Great Seal to be put to Writs not returnable before the said House of Peers.

Resolved. The Lord Keeper to be acquainted with these Resolutions to the end that the said Writ of Habeas Corpus may be superseded, as contrary to Law and the Privilege of the House.

Resolved. A Message to the Lords that the Prisoners were Committed by Order and Warrant of this House, for breach of Privilege and contempt of the Authority of this House.

The King passes Five Bills, and, by Commission, *PROROGUES* the Parliament to the 13th of October. (*p*)

October 13. (*Wednesday.*) The *Fourteenth* Session of the Second Parliament commences.

Oct. 16. The *Commons* take into consideration His Majesty's Speech.

Oct. 21. The *Commons Resolve*, that the Lord Cavendish, guilty of a breach of Privilege in prosecuting a Quarrel against Mr. Howard, the matter depending before this House, shall be committed to the Tower.

Oct. 25. In a Debate on Lord Cavendish's Challenge, *Mr. Howe* complains "that they should be subject to Challenges whilst they are about the Nation's business."

An Order is made against "such as give out threatening words, or send Challenges to Members of this House, or others, as Contemners of the Privileges of this House."

Ordered. A Bill to prevent Duels and Provocations to Duels.

Oct. 26. Mr. Howard, of Richmond and Carlisle, Author and

(*p*) Cases of Privilege in the *Commons* were, (June 7) on Declarations of ejectment delivered to Tenants.

Divisions in *June* were none.

"The King has recourse to this Expedient for putting an end to their differences with great unwillingness, having always intended an adjournment for the preservation of such Bills as were unfinished."

1675.

A. R.

27

Disperser of a Paper, scandalous, &c. to the House, is committed to the Tower.

Oct. 27. The *Commons Resolve* that His Majesty be humbly moved that the Members of this House may be summoned to give their attendance on the service of this House, by Proclamation only.

November 3. (Wednesday.) The *Commons Resolves*, that it is an Ancient Order of this House, that when (on Supplies) there comes a Question between the Greater or Lesser Sum, or the Longer and Shorter time, the least sum and longest time ought first to be put to the Question.

Nov. 8. The *Lords Order*, "A Letter from a Person of Quality to his friend in the country" to be burnt, and the Author, &c., discovered.

An Act passes the *Commons* for hindering Popish Recusants to sit in either House of Parliament.

Nov. 10. The *Lords' House* is called. *Present*, the Dukes of York and Cumberland, and 89 Peers. *Absent*, 87 Peers (17 *Infra Etatem*, 24 *Proxies*.)

The High Sheriff of Suffolk is summoned by the *Commons* for neglect in not returning a Writ, the Election being past a week since.

Nov. 12. In a Debate on regulating the Election of Members to serve in Parliament, it is said, "The Person to be chosen must have an Estate in the proper County. By Law, every man that serves must have his Wages from the County or Borough, he serves for, but now generally none are taken. This bribing men by drinking, is a Lay Simony. None should be capacitated to be chosen but such as have Estates, or reside in the County. Those should be excluded from being trusted in what they give, who, to serve a turn, will be made free of a Borough, and, it may be, never live, or trade, in the Borough hereafter.

"In Essex, there are but three Boroughs, and two Knights. Before you give a restraint, make us even with other Counties. In Oliver's time there were 16. Make the distribution more equal.

"Lincoln has but 12. A Knight of the Shire should have an Estate in the County. A Burgess, if his Estate is in another County, may serve for a Borough.

"It is considered a Privilege for Cornwall, to have so many Representatives. But strangers are chosen, that look not after the County.

"Yorkshire has as many as Devon and Cornwall, and anciently, the Boroughs petitioned to be discharged from sending Burgesses, for the Charge it put them to for wages. The world is so altered now, that some forget for what place they serve.

"It is the same thing as if a man had no Estate at all, if he has none in the County or Borough."

Sir R. Temple. "Anciently, there was no vote in a Borough but by Burge Tenure, Borough Houses. We come now to Freemen and Salesmen, Scotters and Lotters, but such only had a voice as were able to maintain the charge of their Burgesses. He would tie up Elections to such as have Estates to answer their actions to the place they serve for. He would not have any one chosen that has not an Estate of £500 per annum, and would restrain all charges and expences, that Elections may be free."

"By Statute, Henry VI., the County is to choose by Free-

holders, and the Cities by Citizens and Burgesses, Electors and Elected also. There is another Statute, that Elections shall be freely and indifferently made, notwithstanding Letters.

1675.

A. D.

27

"Let men stand on their Ancient Privileges. Some Boroughs by prescription, have a settled Right by Law. In some, there is no Burgage Tenure. Exorbitant Corruption exists, amounting to no less than Bribery. It is better to allow a man to give £1000, than to expend it in so disorderly a manner. He would have a Bill to restrain the giving, or spending of, money, before the Election be made."

It is *Resolved*, "That if any person or persons, hereafter to be elected, &c., shall, by himself, or any other in his behalf, or at his charge, at any time before the day of Election, give any person or persons having voice in any such Election, any meat or drink exceeding in their value £5, in any place, but in his own Dwelling House, the usual place of his abode for 12 months last past, &c., or shall, before such Election be made or declared, make any other present, gift, reward, or promise, &c., to any such persons in particular, or to any such County, City, Borough, &c., on proof, such Election to be void, and the person incapacitated."

Nov. 13. Mr. Barker, Chaplain to the House of Commons, is recommended to His Majesty.

Nov. 15. On the matter of an Appeal in the House of Lords fixed for 20th Nov., the *Commons Resolve*, that the Prosecuting of this Appeal is a Breach of Privilege.

Resolved, that Sir John Fagg do not proceed to make any Defence.

Nov. 16. The Lords recommend to His Majesty Six Under Marshalls, on their Petition for an Allowance.

The *Commons Resolve*, that it is a breach of Privilege for any Member to be made a Sheriff during the continuance of the Parliament.

Resolved. A Committee to consider of Superseding the Commission of Sir Edmund Jennings, a Member, as High Sheriff for the County of York.

Nov. 17. The Lords assign new Counsel to Dr. Shirley.

Nov. 18. The *Commons Resolve* that Letters shall be sent on Defaulters, as in last Session.

Resolved, A Conference for avoiding occasion of reviving differences between the two Houses.

Nov. 19. Report is made of Reasons for the Lords to defer Proceedings on Appeal, till other Bills are dispatched.

The *Commons Resolve* and *Declare*, that whosoever shall solicit, plead or prosecute any Appeal against any Commoner of England, from any Court of Equity before the House of Lords, shall be deemed, &c. &c., (as before)

Resolved. Copies of this Resolution to be affixed at the Doors of all the Courts, &c.

The *Lords Order* an Address to the King, to direct the Archbishops "That the Convocation of the Clergy may more frequently meet."

Nov. 20. The *Lords Order* Protection and Privilege to Dr. Thomas Shirley and his Counsel; and *Resolve* that a Paper put up, and signed W. Goldsborough, Cler. Dom. Com., against the Judicature of the Peers, is Illegal, Unparliamentary, and tending to the Dissolution of the Government.

A Motion for an Address for a Dissolution is Negatived. Twenty-two Peers Protest.

1675. The *Commons Order* that Thomas Shirley, Esq. be taken into
A. R. Custody for Prosecuting an Appeal against Sir J. Fagg.

27

Ordered, That Sir Nicholas Staughton be taken, &c., for an Appeal against Mr. Onslow, a Member.

Nov. 22. The King passes 3 Bills, and *PRONOUNCES* the Parliament to the 15th Feb., 1677. (q)

1677. February 15. (Thursday.) The *Fifteenth Session* of the Second
A. R. Parliament opens.

29

The King and Lord Keeper speak.

In the *Lords*, a Motion is made to consider, "whether the Parliament is Dissolved by a Prorogation of Fifteen Months, as against the Statute 4 Edw. III., and 36 Edw. III.

Henry, Duke of Newcastle, first sits on decease of his Father, W., Duke of Newcastle, by Writ, 10 Feb., 29 Car. 2.

William Richard George, Comes de Derby, first sits on the death of his Father, by Writ, 10 Feb., 29 Car. 2.

William, Earl of Denbigh, first sits on the death of his Uncle, Basil, Earl of Denbigh, by Writ, 10 Feb., 29 Car. 2.

James, Lord Chandos, first sits on the death of William, Lord Chandos, by Writ, 13 Feb., 29 Car. 2.

Charles, Lord Cornwallis, first sits on decease of his Father, Charles, Lord Cornwallis, by Writ, 10 Feb., 29 Car. 2.

The *Lords Order* a printed Book to be considered, "More Considerations upon the Question whether the Parliament is Dissolved, &c."

Feb. 16. The *Lords* debate the Question as to the Prorogation. The Duke of Bucks speaks at great length in favour of a new Parliament.

In the *Commons*, on the same subject, the *Speaker* says, "The Session is not begun till a Bill is read. It is the ancient order. If so, the Question is, whether you will break that order or not." A Bill is read and a Grand Committee appointed on the matter of the Prorogation. (r)

The *Commons Order* a Writ for the Borough of Ashburton, in place of Sir G. Sandys, K. B., called up: for Town of Stamford, in place of W. Mountague removed to the House of Lords: for the County of Northumberland, in room of Henry, Earl of Ogle, called up: for the Town of Shrewsbury, Sir Thomas Jones, Knight, removed to the House of Lords; and in place of many persons deceased.

Feb. 19. A Petition is presented in the name of the Burgesses of the Borough of Aldborough, York, but the Member by whom it is presented, not being of the County, nor having received the same from any of the said Burgesses, and none appearing to own the said Petition, it is withdrawn.

Feb. 21. Sir George Sands, K. B., created Baron de Throwley, Viscount Sands de Lees Court, and Comes de Feversham, is introduced on his Patent, 8 April, 28 Car. 2, and on Writ, 10 Feb., 29 Car. 2.

(q) Cases of Privilege in the *Commons* were, (Nov. 4) against Aspersions; (Nov. 9) on Seizure of Goods. In the *Lords*, (Nov. 10) for the King's Advocate in Ireland against a Suit; (Nov. 15) against Scandalous Words.

Divisions in *October* were, 160-150; 171-160; 126-125; 103-74. In *November*, 163-157; 179-150; 163-141; 165-123; 168-124; 143-118; 145-109; 143-127; 146-117; 147-131; 150-136; 151-124; 81-67; 157-101; 106-70; 168-102; 118-108; 141-91; 130-84; 138-122.

(r) For this important Debate see *Parl. Hist.* iv. 813, where are found, "The Reasons to prove that a Prorogation beyond 12 Months is, in construction of Law, a Dissolution," and many *Precedents* are adduced as to the holding and duration of Parliaments.

Feb. 22. Ford Grey, Chevalier, first sits on the death of Ralph, Lord Grey de Warke, by Writ, 10 Feb., 29 Car. 2. 1677.

Feb. 23. Resolved, in the Commons, a Bill for Redressing and Regulating all extraordinary Power and Jurisdiction exercised by the High Court of Chancery, and other Courts of Equity, in matters determinable at Common Law. A. R. 29

Feb. 26. "The King will command Places vacant to be filled up, and the Convocation frequently to meet."

The Commons refuse Privilege in case of a Servant, a Prisoner before he was ascertained as the Servant of a Member.

March 1. (Thursday.) In the Lords, Report is made on Libels, and on the last Prorogation.

Dr. Nicholas Carey is fined £1,000, for refusing to discover certain Authors.

March 2. The Lords make an Order to rank Peers' Sons in such Order as belongeth to their respective Qualities.

In a Debate, on Information of a Case of Commitment to the Tower by the Lords for a Libel, the Speaker says, "No Cognizance can be taken of the Lords' Proceedings, unless they come regularly before you. It is the first instance of the kind. You judge them in their Judicature of what is not before you. You may do it in any part of their Judicature, as well as this. You may raise what you cannot lay."

March 3. Villiers petitions on the Title of Viscount Purbeck.

The Commons Resolve, on a Bill for indemnifying the Counties, Cities and Boroughs, from paying any Wages due to any Members that now serve in this Parliament. (s)

March 6. Sir Thomas Strickland is Disabled, as a convicted Recusant, and a new Writ ordered.

March 7. Lord Widdrington's Writ, 13 Feb., 29 Car. 2, is delivered by his Proxy, the Duke of Newcastle.

Ordered. "Some Considerations on the Prorogation," and "the Long Parliament Dissolved," to be burnt, &c.

March 8. Ordered. "The Grand Question concerning the Prorogation, &c.," to be burnt, &c.

March 9. The Lords' House is called. Present, the Dukes of York and Cumberland, and 94 Peers. Absent, 86 Peers, (18 Infra Ætatem, 28 Proxies, 2 Dead).

March 12. A Petition for Waiver of Privilege in a Suit against the Earl of Rutland, is referred to the Earl, whether he will give way or no.

March 15. The Lords recommend the Serjeant at Arms to his Majesty, by the Lord High Treasurer.

March 17. Black Rod petitions for his Customary Fees on Conveyance of Persons to the Tower.

March 20. The Lords Resolve, The Widows of Peers have been allowed, from time to time, Privilege of Parliament, and there are no Precedents to weaken or take away the said Privilege.

A Messenger taken in Execution prosecuting his Writ of Error, is released by Order.

March 21. The Commons Resolve, that the Town of Newarke hath Right to send Burgesses to Parliament.

March 24. An Act passes the Commons, and is sent up, "for better securing the Liberty of the Subject."

(s) A writ had gone down for Sir Thomas Shaw, Member for Colchester, to receive his Wages for service in Parliament. The object of the present Bill was, in fact, to repeal the Statute of Wages.

1677.

A. D.

29

March 28. The *Commons* Order a Writ for the County of Dorset, Lord Digby being called up.

March 30. John, Earl of Bristol, first sits on the death of his Father, George, Earl of Bristol, by Writ, 23 March, 29 Car. 2.

April 2. (*Monday*.) The Committee Reports on a Bill against Bribery and Drinking at Elections. An Order is made thereon. (t)

The Committee on Sir Robert Holt's Case, detained a Prisoner in the Fleet, Report two Resolutions: (1) That he be not discharged, as taken out of Privilege of Parliament. (2) That the Outlawry after Judgment is another good Cause why he ought not to be discharged by Privilege of Parliament.

The *Commons* Resolve, He shall have Privilege, and be delivered out of Custody.

Resolved, "That if any Person hereafter to be elected, &c. &c., shall by himself or any other, or at his charge, at any time before the day of Election, give any Person or Persons having voice in any such Elections, any meat or drink exceeding in the true value Ten Pounds in the whole, in any Place or Places but in his own Dwelling House and Habitation, being the usual place of his Abode for six months last past; or shall before such Election made and declared, make any other Present, Gift, or Reward, or Promise of such, &c. &c., he is declared guilty of Bribery, his Election void, and he incapable to sit by such Election, &c."

April 3. The *Lords* make an Order, altering Black Rod's Fees.

April 6. Report is made in the *Lords* on the Precedency of the Eldest Sons of Peers' Youngest Sons.

Resolved. His Majesty to be moved to give Directions to the Earl Marshall, that, seeing all the Sons of the Nobility, take place of all Baronets, the Eldest Sons of those Sons may also take place of the Eldest Sons of Baronets during the life of such Baronets.

April 13. Resolved, in the *Commons*, "A Conference, to preserve a kind Correspondence with the House of Peers on their Amendments to a Bill of Supply, with Reasons against their Proceeding."

April 14. The *Commons* Order the Journals to be searched for Precedents touching Adhering to Bills.

The *Lords*' Amendments are negatived by 156 against 27.

April 16. In the *Lords*, Report is made on their Right to amend Money Bills. They lay aside their Amendments, considering the present necessity of the King; and Address His Majesty thereon.

The King Assents to 15 Bills, and the Houses adjourn to the 21st May, according to His Majesty's pleasure. (u)

May 21. (*Monday*.) Fulke Grevil, Chevalier, first sits on the death of his Brother, Lord Brooke, by Writ, 19 May, 29 Car. 2.

(t) On this Bill see *Commons' Journals*, ix. 411.

(u) Cases of Privilege in the *Lords* were, (March 6) on an Arrest; (April 4) on Doors broken open; (April 7) against Scandalous Words, and against Cattle Impounded; (April 10) against contemptuous words. In the *Commons*, (March 12) on Arrest of Servant; (March 14) on a Declaration of Outlawry; (March 21) on a Declaration; (April 4) on seizure of Coach and Horses; (April 14) on Ejectment of a Tenant, and Passage of Cattle stopped.

Divisions in *February* were, 154-143; 193-142; 147-104; 147-62; 183-163. In *March*, 175-124; 96-67; 76-67; 134-83; 140-116; 127-88; 129-91; 124-103; 131-122. In *April*, 122-97; 115-108; 155-144; 144-125; 138-97; 131-115; 130-109; 132-90; 153-66; 96-72; 96-83; 110-56; 98-60; 71-72; 78-78; 156-27.

Ludowick, Lord Duras, is introduced as Earl of Feversham, and placed at the lower end of the Earls' Bench, his Patent stating that he came in by Succession and not by Descent. 1677.
A. R. 29

Ordered. Aaron Smith to be attached for words against the Parliament.

May 23. The Countess Dowager of Norwich, claiming Privilege of Parliament to stop a Trial at Law concerning Lands into possession of which she came on Monday Se'nnight last, is adjudged to have no Privilege.

The Countess Dowager of Northumberland claiming Privilege as Guardian to Lady Elizabeth Percy, is not allowed.

The *Commons* Order a new Writ for the Borough of Warwick, in place of Fulke Greville, Esq., called up.

May 25. The *Commons* allow Privilege to Peregrine Bertie, Esq., the Scaffolds about his House being pulled down, and words having been used, "That the Members were a Company of Rascals to maintain their Privileges against the People."

May 28. Robert Carey, Chevalier, first sits as Lord Hunsdon, on Descent, after the death of John, Earl of Dover, Baron of Hunsdon, by Writ, 26 May, 29 Car 2.

The *Commons* having addressed the King to make a League with the States' General, &c., His Majesty answers the Address, "as upon matters unfit for the House to meddle with, and invading his fundamental Power of making Peace or War."

On notice of adjournment from the Speaker, *Sir Thomas Lees* says, The Act of adjourning the House cannot be yours, Mr. Speaker, but the Act of the House; and no Question can be put when a gentleman stands up to speak."

The *Speaker*, "When there is a Command from the Crown to adjourn, we are not to dispute about it, but to obey and adjourn. You have only to execute the command. Unless any man can shew me a Precedent to the contrary, you will put a hardship on me to do otherwise."

The Houses *adjourn*, according to a Message from the King, by Mr. Speaker, to the 16th of July. (w)

July 16. (Monday.) The Parliament is again *adjourned* to 3d December, according to a Message from the King.

December 3. (Monday.) A Proclamation having farther *adjourned* the Parliament to the 4th of April, it is now ordered to meet on the 15th of January.

Charles, Lord Grey de Rolleston, first sits as Lord North, on the death of his Father, Dudley, Lord North.

January 15. (Tuesday.) Henry, Earl of Norwich and Earl Marshall of England, first sits as Duke of Norfolk, on the death of his Brother, Thomas, the late Duke. 1678.

The Houses are *adjourned*, by Message from the King, to the 28th.

Jan. 28. Lord Henry Howard, Eldest Son of the Duke of Norfolk, being summoned to Parliament as Henry Mowbray, Esq. Lord Mowbray, it is *Ordered*, on examination of Precedents, that the said Lord Mowbray shall be placed in the Place of his Grandfather, as Lord Mowbray, at the upper end of the Barons' Bench. He delivers his Writ of Summons, 14 Jan., 29 Car. 2.

Sir Robert Shirley, created Robert Shirley de Ferrers, Lord

(w) Divisions in *May* were 182-142.

In the *Commons*, (May 25) a Case of Privilege occurs on distraint of Cattle.

1678.

A. R.

29

Ferrers sits on Descent, and therefore is not introduced. His Writ is of 14 Dec., 29 Car. 2.

The Earl of Pembroke is committed to the Tower by the King, for Blasphemous Words, &c.

Jan. 29. The Lord Cromwell, a Peer, is *Ordered* to attend for granting a Protection to one *not his* Menial Servant.

Ordered. The Petition of Lord Pembroke to be printed, with an address to the King for his Release. Seven Bishops and two other Peers Protest.

The Commons send up an Address to His Majesty on his Speech.

A. R.

30

February 1. (*Friday.*) The Commons *Resolve*, by 140 to 109, That Mr. Wanklyn, a Member, shall be expelled for granting Protections to other than his Menial Servants, and that a new Writ shall issue.

Feb. 4. The King answers the Address, "in which he finds so much inserted of what there should not be, and so little of what should."

Feb. 5. The Earl of Pembroke waves his Privilege in a Suit for an Assault.

The Commons *Resolve*, that a Supply be given to His Majesty for Support of his present Alliances, and for lessening the Power of France.

Feb. 7. The Commons *Order* a new Writ for the County of Northampton, in place of Lord Burleigh, called up.

Resolutions are adopted on Protections and Privilege.

Feb. 9. The Commons continue a Debate on irregular adjournments of the House by the Speaker. (x)

Feb. 15. The Commons *Resolve*, that the Election for the County of Dorset is void, because the Sheriff did not execute or obey his Writ; left divers Freeholders unpollled, and made no due Proclamation before he closed the Poll; did not number those voices he had polled, nor declare who he judged to be duly elected; and farther, returned two, when he should have returned but one.

Ordered, A new Writ for Dorset, Lord Digby being called up.

Feb. 16. The Lords' House is called. *Present*, Dukes of York and Cumberland and 79 Peers. *Absent*, 92 Peers, (16 *Infra Ætatem*, 21 *Proxies*.)

Feb. 20. Lord Frescheville petitions for Precedency.

Lady Abergavenny waves Privilege for herself and Son, in a Suit by the Countess of Dorset.

Feb. 21. The Earl of Rutland's claim of Privilege for a Carpenter, entertained as a Menial Servant since the Action was brought against him, is not allowed.

Feb. 23. In the Commons, a Bill being missed, all the Members take Protestation that they have it not.

On the Report of a Committee, it is *Resolved*, that a Writ shall issue for choosing two Citizens for the City of Durham, according to Act of Parliament.

Feb. 27. An Act passes Restoring the Honour of Baron Audley, of Hely, to James, Lord Audley, and restoring him and others, in blood.

March 1. (*Friday.*) The Earl of Pembroke petitions for a Speedy Trial, for his killing Nathaniel Coney, Gent.

(x) This Debate renewed through the whole Session is well worthy of perusal. See *Parl. Hist.*, Cobbett iv. 925.

March 6. It is referred to a Committee, Whether Lords who vote against the Commitment of a Bill, can be of the Committee. The *Lords* do not find ground to advise His Majesty to allow Lord Frescheville's Claim. 1678.
A. D.
30

March 14. The *Commons Resolve* on a Committee of the whole House on the State of the Nation, and on an Address to His Majesty to declare War against the French King.

March 16. A Poll Bill not having been sent back by the House of Commons, when they signified their Assent to the Lords' Amendments, a Conference is desired; but the Bill is previously delivered.

March 19. The Earl of Pembroke is Committed to Black Rod.

The *Commons Resolve*, that according to the ancient course and method of transactions betwixt the two Houses, when a Bill of Amendments is sent to either House by the other, by Messengers of their own, the House that sends them gives no Reason of their Amendments; but the House to whom it is sent, if they find cause to disagree, do use to give Reasons for their Dissent to every particular Amendment, every one of which is supposed to carry with it the weight of its own Reason, until it be objected against.

March 20. The King assents to one Poll Bill and 14 Private Bills.

March 22. Report is made in the *Lords*, of the method of the Earl of Pembroke's Trial. A Protest is entered against providing Seats for the Bishops.

In the *Commons*, a Petition, complaining of a Member, is withdrawn, according to an Order of the House, that no Petition ought to be tendered, the Member being absent.

March 23. Philippa, Lady Baroness Mohun, claims Privilege against abusive words, but as Suits are depending between the Parties, she is left to the relief of the Law.

March 27. The *Commons adjourn* themselves to the 11th of April. The *Lords* to the 4th, and then to the 10th. (y)

April 11. (Thursday.) Sir Robert Sawyer chosen Speaker on the Illness of Mr. Seymour, is accepted.

April 15. The Houses *adjourn* to the 29th.

Mr. Secretary Coventry rising to speak, a second time, is interrupted by "Spoke, Spoke." "No man, he proceeds, can say I have spoke, when I stand up to explain myself. I have read the Precedent of King James. The *Commons* did represent to the King that the time was not sufficient between the holidays to do the business before them. But, when the King has declared his pleasure for a speedy adjournment, the House never proceeded any farther."

Sir Thomas Clarges. "There are divers Precedents for a Committee sitting in a Recess of Adjournment." A Committee is ordered to sit.

(y) Divisions in *January* were none. In *February*, 140-109; 193-151; 131-121; 191-142; 135-102; 147-131; 151-73; 157-112; 145-106. In *March*, 122-93; 153-93; 63-55; 138-108; 124-47; 155-112; 94-71; 113-69.

The *Lords* allow Privilege, (Feb. 1) against Cattle driven on a Peer's Land, &c.; (Feb. 7) on Arrest of a Yeoman; (Feb. 8) on a seizure of Toll Tin; on Outrages by Fishing in a certain River; on seizure of Cattle; Comittal of a Bailiff; and violence against Tenants; (Feb. 14) on Arrest of Servants; (Feb. 16) in a Suit; (Feb. 20) on an Indictment for Recusancy; (March 11) Arrest of a Secretary. Cases in the *Commons* are, (Jan. 31) against Summons to the King's Bench in a Process for Hearth Money, and against an Assault; also, against an Order to attend the Council Board; (March 19) on Sequestration of the Profits of an Office.

1678.

A. D.
80

April 30. The Duke of Cumberland takes the Oaths of Supremacy, &c.

May 3. (Friday.) The Earl of Peterborough takes the Oaths. The Bill for Lord Audley passes the *Commons*, omitting the words "Restoring them in Blood."

May 6. Edward Seymour, Esq. is restored to the Chair, on the indisposition of Sir R. Sawyer.

May 7. The *Commons Resolve*, by 154 against 139, That an Address be presented to His Majesty to remove the Counsellors who advised the Answers to the Addresses of the 26th May, or 31st January last, or either of them.

May 10. The *Lords Order*, that the Counsel to plead at this Bar shall be only three on a side at one time.

May 13. The King passes Eight Bills, and the Houses adjourn to the 23d.

May 23. (Thursday.) The King and Lord Chancellor speak.

The Lord Chancellor Finch says, "Let it be lawful to provoke and challenge the most discontented and unsatisfied Spirit in the Kingdom, to shew that time, if he can, since the world began, and this nation was first inhabited, wherein there were fewer grievances, or less cause of complaint, than there is at this present. Nay, give him scope enough, and let him search all ages, and all places of the world, and tell us, if he can, when and where was ever found a happier people, than we are at this day."

The *Lords Order* the Sub-Committee of Privileges to meet after every Session to examine the Journal Book.

In the *Commons*, the Order of 2d April, 1677, concerning Bribery and Drinking, is read.

May 26. A Petition is presented against Sir John Keresby, as not duly elected, the Return having an Affidavit annexed. The Clerk is Ordered to blot out the Affidavit, and the Petition is then referred to the Committee of Privileges.

May 30. Viscount Mountague petitions against the Viscount Hereford's Right to the Title. The King refers it to the Lords.

May 31. The *Lords Order*, that there shall be no Interlineations in the Journal Book, after it has been signed by the Lords' Committees. (x)

June 3. (Monday.) The Lords allow Privilege to the Person claiming the Title of Viscount Purbeck, till Judgment is given.

June 11. In the *Commons*, it is agreed, "That at the first Reading, the King's Message is always first read by the Speaker, and the Members are all uncovered, and that the second time it is read by the Clerk, and they are all covered."

June 27. The *Lords Resolve*, that a Clerk making Returns of Postees after Judgment, in a Hundred where a Peer resides, commits no breach of Privilege.

June 18. In the Debate on Viscount Purbeck's Claim, the *Lords Resolve*, that no Fine levied, or hereafter to be levied to the King, by a Peer of the Realm, of his Title of Honour, can

(x) In the *Lords Privilege* is allowed, (May 24) on being sued to Outlawry, &c.; (May 30) on Indictment for Recusancy, and on assault of a Doorkeeper. In the *Commons*, (April 30) on putting in Cattle and entering Lands; and on Arrest of a Shepherd and Menial Servant; (May 2) on Assault. Divisions in *April* were 139-85, in *May*, 166-150; 154-139; 144-133; 157-92; 96-89; 127-84; 152-151; 161-107; 176-174; 170-167; 169-166; 188-180; 178-177; 75-68; 195-176; 139-115.

bar such Title, or the Claim of any Person claiming such Title under him that levied, or shall levy, such Fine. 1678.

June 19. In the *Commons*, Complaint being made of the Clerk, he is found to be "a Patent Officer, and not removeable." A. R. 30

June 20. The *Lords Resolve* to petition the King to give leave that a Bill be brought in to disable the Petitioner to claim the Title of Viscount Purbeck. Seven Peers Protest for Ten Reasons. Two other Peers Protest July 3.

June 25. The *Lords Report* a Proviso offered by the House of Commons, in lieu of the Lords' Amendments on the Supply Bill. Heads are prepared for a Conference, in which the Lords adhere to their Amendments.

July 3. (*Wednesday*.) The *Lords Declare*, that in all Cases wherein it is necessary to examine Witnesses, "in perpetuum rei memoriam," it shall not be a breach of Privilege of Parliament, to file a Bill against a Peer, in time of Parliament, and to take usual Process, for that Purpose only.

July 11. The King Answers, "That he will consider of the Petition against Lord Viscount Purbeck."

July 12. The *Lords Order*, that no Petition of Appeal from any Decree in Equity, shall be presented, unless Subscribed by some known Practiser at Law, as well as by the Petitioner.

July 13. An *Order* is made in the *Lords* for limiting the time for bringing in Appeals.

A Conference is held on the Method of returning Bills passed in either House.

July 15. The King passes two Supply Bills, 7 Public and 12 Private Bills; and *PROROGUES* the Parliament to the first of August. (a)

August 1. (*Thursday*.) A further *PROROGATION* is Ordered to the 29th.

August 29. (*Thursday*.) A third *PROROGATION* takes place to the 1st of October.

October 1. (*Tuesday*.) The Parliament is a fourth time *PROROGUED* to the 21st.

October 21. (*Monday*.) The *Sixteenth Session* of the Second Parliament commences.

The King and Lord Chancellor Address the Houses.

The Lords' Committees are appointed.

Charles de Grey, Chevalier, first sits as a Peer upon Descent from Charles, Lord de Grey, his Ancestor, and by Writ, 16 Oct. 30 Car. 2.

The *Commons* appoint Committees as usual. The Order on Bribery, &c., is read, and new Writs are Ordered.

Oct. 23. The *Lords* appoint a Committee to examine Papers as to the Plot, and the Murder of Sir E. Godfrey.

Oct. 25. The Lord Viscount Stafford informs the Lords of a Warrant from the Lord Chief Justice of England against him, the Earl of Powis, Lord Arundell of Wardour, Lord Peter and

(a) Cases of Privilege allowed in the *Lords* were, (June 10) on a Lordship being entered; also on a Judgment for not appearing; (June 15) against a scandalous Paper; (July 3) on Wood carried away from a Chase; (July 13) on distraint of Tenants. In the *Commons*, (June 1) on seizure of a Coach Horse; (June 28) on disturbance of a Tenant; (July 4) to the Serjeant at Arms on rescue of a Delinquent.

Divisions in June were, 181-146; 181-157; 157-128; 151-131; 177-162; 179-167; 167-164; 172-166; 160-154; 163-154; 141-72; 139-131; 149-142; 202-145; 173-103; 100-86; 131-119; 176-127; 162-108; 89-52; 117-88; 74-71; 100-57; 96-87; 118-69. In July, 113-75; 76-44; 77-44; 68-57.

The Popish Plot occupies the whole time of the Houses.

1678.

A. R.

30

Lord Bellasis, by Order of the House of Commons, on a Charge of Conspiracy of Treason against the King.

Oct. 26. The *Lords Order* the Course of Restraining and Examining Peers to be considered.

Oct. 31. Tytus Otes gives a Narrative of the Plot.

November 2. (Saturday.) The *Lords Order* Sir W. Dugdale, Garter Principal, to bring in a new List of Peers.

In the *Commons* Report is made of the ruinous State of the House, and it is *Resolved* that an Address be presented to His Majesty, that he would be pleased to give Order that the Court of Requests be fitted up for this House to sit in.

Nov. 4. It is *Ordered*, that Lord Arundell, of Wardour, a close Prisoner in the Tower, be examined "in perpetuum rei memoriam," and that the Oath be administered to him.

Nov. 6. It is *Declared*, That all Peers, Peers' Widows (not having married Commoners), and the Wives of Peers, shall have Privilege, and not be comprehended within the Penalties of the Proclamation banishing Papists from London and Westminster.

Nov. 7. Lord Howard, of Escricke, Chevalier, first sits, on the death of his Brother, by Writ, 10 Oct., 30 Car. 2.

Nov. 9. The King addresses the Houses.

Nov. 11. The *Commons Resolve*, that a Precept from the Sheriff, directed to the Mayor and Justices of the Borough of Northampton, and the Indenture not signed by the Mayor, nor the Seal of the Corporation affixed, is not a good Return. The Sheriff to be committed to the Serjeant.

Nov. 19. The *Lords* commit Lord Carrington to Black Rod, on Informations against him.

Nov. 20. An Act passes the *Lords* for the more effectual preserving of the King's Person and Government, and for disabling Papists from sitting in either House. Dissentient, James, Duke of York and 7 Peers.

Nov. 22. Privilege is refused to Lady Howard, of Escricke, for a Housekeeper, *not* her Menial Servant.

Nov. 25. W. Lord Pagett, Chevalier, first sits, on the death of his Father, by Writ, 23 Nov., 30 Car. 2.

The *Commons Resolve*, to supersede the Commission for making Sir Roger Bradshaw, a Member, High Sheriff for the County of Lancaster.

December 2. (Monday.) Lord Wharton is accused of not kissing the Book, though he had subscribed the Declaration, as if he had taken the Oaths.

Ordered. His name to be struck out of the Roll of Subscriptions.

The Earl of Leicester and Earl of St. Albans, accused of not pronouncing the words of the Oath, take the same again, to the satisfaction of the House.

The Marquiss of Dorchester is ordered to do the same Tomorrow.

The Earl of Fingall has Leave to travel.

The *Commons Resolve* on an Address to His Majesty on the dangers from Private Advices contrary to the Advice of his Parliament, on dangers from the growth of Popery, &c.

Dec. 3. Philip Lord Wharton and others take the Oaths, &c.

Dec. 5. The *Commons* send up a Message to Impeach the Five Lords.

Dec. 10. The Chancellor is ordered to summon Absent Lords.

A new Writ is *Ordered* in the *Commons* for the Town of Montgomery, in place of Henry, Lord Herbert, called up. 1678.

Dec. 11. The *Commons* *Order* the Arrest of many Members absent without Leave. A. R. 30

Dec. 19. The *Commons* *Order* a Committee to draw up Articles of Impeachment against Lord Treasurer Danby; and send them up on the 23d.

Dec. 23. Henry, Lord Herbert, of Cherbury, Chevalier, first sits, on the death of his Brother, Edward, Lord Herbert de Cherbury, by Writ, 20 Dec., 30 Car. 2.

Dec. 30. The Parliament is *PROROGUED* to the 4th of February, but, by Proclamation, (24 Jan.), is *Dissolved*, and a new Parliament called for the 6th of March. (b)

March 6. (Thursday.) The *Third* Parliament meets. 1679.

Writs are issued to James, Duke of York and Albany, Rupert, Duke of Cumberland, Heneage Finch de Darentrie, Chevalier, Chancellor, Earl of Danby, Treasurer, Earl of Anglesey, Keeper of the Privy Seal, Dukes of Buckingham, Albemarle, Monmouth, General of the Armies, Newcastle, 3 Marquisses, Earl of Lindsey, Great Chamberlain of England, Earl of Brecon, Steward of Household, Earl of Arlington, Chamberlain, 53 Earls, 8 Viscounts, 55 Barons, Chevaliers. A. R. 31

The Members for England and Wales are 512.

The King and the Lord Chancellor speak. The Lords vote an Address of Thanks.

The *Commons* choose Serjeant Gregory as their Speaker, whom the King *rejects*. A great Debate ensues.

March 11. The *Lords* appoint Receivers and Tryers of Petitions for England, Scotland, Ireland, Gascony, and other "Terres, Pais de Mere et des Isles."

March 12. Ordered. The Members of the Convocation to take the Oaths.

The Debate as to the Speaker is continued. No Precedent is found for such a Rejection. An Address is moved to the King without a Speaker, as is also a Second Representation. The King commands the Bearer of the latter "to go back to the House."

March 13. The Parliament is *PROROGUED* to the 15th.

March 15. The *Second* Session opens. The King and Lord Chancellor make Speeches. The *Commons* are *Ordered* to choose a Speaker. They again choose Serjeant Gregory.

Motion is made in the *Lords*, "Whether the last Prorogation made a Session."

March 17. Serjeant Gregory is accepted as Speaker "without hesitation."

The *Lords Resolve*, "The last Prorogation is a Session in relation to Acts of Judicature, but not as to determining Laws determinable upon the end of a Session of Parliament."

March 18. Report is made in the *Lords* concerning Appeals and Impeachments of the last Parliament.

(b) Divisions in *October* were none. In *November*, 158-156; 130-110; 81-71; 87-55. In *December*, 111-108; 136-115; 162-146; 179-116; 179-135; 165-115; 179-141; 170-143; 143-119; 184-112.

Cases of Privilege in the *Lords* were, (Dec. 13) against a Return on a Defaulter not paying Poll Money. In the *Commons*, (Nov. 7) against a Trial at Law; (Dec. 12) on Arrest of a Bailiff; (Dec. 19) on goods detained.

From Dec. 30 to March 18, 1679, no Entry appears in the *Commons' Journals*.

1679.

A. D.

31

The *Commons Order* the Committee of Privileges to make a Special Report of all Miscarriages and undue Practices in Sheriffs, Mayors, Bailiffs, or other Officers concerned in returning Members, as likewise of all undue Practices, Letters, Promises, Threats, or Oppression, &c.

March 19. The Earl of Lycolne taking the Oaths in the midst of the Debates; it is *Ordered*, that Lords shall take the Oaths at the first sitting of the House.

March 20. The Lords sending to desire a Conference without expressing any Subject Matter, the Commons say it is not the usual Practice of Parliament.

The *Lords answer*, "They know divers Precedents, but think it not now expedient to lose time."

March 21. The *Commons Order* Jonathan Edwyn, living at the Three Roses, in Redcross Street, to be sent for, as to two Pamphlets, "A Letter from a Jesuit in Paris to his Correspondent in London, shewing the most effectual way to ruin the Government and Protestant Religion," (by Dr. John Nelson), and "Two Letters from Mr. Mountague to the Lord Treasurer."

Resolved. The Common Seal not being set to an Indenture, with Seven Seals, of the Borough and Parish of Buckingham, the Election is not good.

March 24. The *Commons Resolve*, that the House is fully satisfied there now is, and for divers years past hath been, a horrid and treasonable Plot and Conspiracy by those of the Popish Religion, &c.

Resolved. An Address to His Majesty on the Irregularity and Illegality of his Pardon to the Earl of Danby; and that Justice be demanded of the Lords against the Earl of Danby.

March 25. The *Lords agree* to the vote on the Plot.

The *Commons Order* that Sir Edward Sackville, a Member, be committed to the Tower, for asserting there is no Popish Plot.

March 26. An Act passes the *Lords* for banishing the Earl of Danby, with three Protests.

March 27. The *Lords and Commons*, pass a Bill to disable Members of the Convocation till they have taken the Oaths, &c., (c)

April 1. (Tuesday.) The *Lords Order* that there shall be no Privilege to the Servants of Peers or Peeresses, in case of Recusancy.

The *Commons Order* Inquiry as to false and scandalous Pamphlets, "Sir Edward Winnington's Speeches, &c."

Resolved. The Return by Indenture, the Sheriff of the County of Montgomery on one Part, and the two Bailiffs and many Burgesses of the Borough, on the other, signed by the Bailiffs and many Burgesses, and having Seals against the Bailiffs' names and the names of the Burgesses, is a good Return.

Resolved. The Indenture by the Sheriff of the County of Brecon, of one Part, and the Bailiff of the Borough on the other, Sealed with the Common Seal of the Borough, and their own Hands and Seals, is good.

Resolved. The Indenture, the Lieutenant of his Majesty's Castle of Dover on one Part, and the Mayor, Jurats, and Commonalty of the said Town and Port on the other, with the Common Seal, is good.

Resolved. On the Borough of Bridgewater, the Election by the

(c) *March 31.* See Report on State of Ireland, *Lords' Journals*, xiii. 485.

select number of Capital Burgesses, and also by the Popular, is good. 1679.

Resolved, The Bailiff not being a Party to the Indenture, the Election for the Borough of Ivelchester is not good. A. H. 31

April 5. *Resolved*, the Mayor, Bailiffs, and Burgesses, not exceeding 30, have not the Right of Election for New Windsor.

Resolved, The Burgesses of New Windsor have a Right to send Burgesses to Parliament by Prescription, and all the Inhabitants have the Right of Electing.

April 7. *Resolved*. The Borough of East Grinstead is an Ancient Borough by Prescription; and the Inhabitants, as well as Burgage Holders, have a Right to Vote.

April 9. The Five Lords hear their Impeachments at the Lords' Bar; and are heard, on the 15th.

April 10. The Lords Order that the Earl of Danby, not withdrawing after he had been heard in his Place on the Articles, is not to be drawn into a Precedent. He is committed to the Tower, and is heard April 25.

April 12. The Commons *Resolve*, that the Mayor, Barons, and Freeholders, paying Scot and Lot, and no others, have a Right to vote for the Borough of Corfe Castle.

April 17. Thomas, Earl of Berks, first sits on the death of his Brother, Charles, Earl of Berks, by Writ, 16 April, 31 Car. 2.

April 25. The Commons Order Inquiry as to a false and scandalous Pamphlet, "A Speech of the Lord Cavendish."

April 27. Report is made, in the Commons, on Precedents of Pardons under Impeachments.

May 1. (Thursday.) The Commons appoint a Committee for Precedents against Sheriffs and others making false Returns.

May 2. John Manners, de Haddon, Chevalier, is introduced by Writ of Summons, 30 April; he takes the Oaths, and is placed at the lower end of the Barons' Bench.

May 5. The Speaker of the Commons demands Judgment against the Earl of Danby.

May 6. The Commons send for two Justices of the Peace for the County of York, who had said, "This Parliament is no Parliament, and they would justify it."

May 7. A new Writ is Ordered for Boston, Serjeant Ellys being made a Judge in His Majesty's Court of Common Pleas.

May 8. Charles Fitzcharles, Earl of Plymouth, is introduced, by Patent, 29 July, 27 Car. 2, and by Writ, 7 May, 31 Car. 2.

The Lords refuse a Conference on the manner of Trial of the Lords. Finch, Lord Chancellor, and 19 Lords Protest.

The Commons *Resolve*, an Address for Removal of the Duke of Lauderdale.

May 9. The Lords' House is called. *Present*, 92 Peers. *Absent*, the Duke of York and 79 Peers, (14 *Infra Ætatem*, 7 *Recusants*, no Proxies.)

The Commons desire the Lords' concurrence in this vote, "That the Duke of York being a Papist, and the hope of his coming such to the Crown, has given the greatest encouragement to the present Conspiracies and Designs of Papists against the King and the Protestant Religion," to which the Lords agree.

Resolved. No Commoner whatsoever shall presume to maintain the validity of the Pardon pleaded by the Earl of Danby, without consent of this House first had.

May 10. The Earl of Danby's Counsel will not appear, in consequence of the vote of the House of Commons.

1679
A. D.
81

The Lords Refuse a Conference on the methods of Proceeding, "because they do not think it conformable to the Rules and Orders of Proceedings of this Court, which is and ever must be tender in matters relating to their Judicature." Fifty Peers Protest.

May 11. (Sunday.) The Lords desire a Free Conference thereon.

The Commons Resolve to insist upon appointing a Committee of both Houses, as the better Expedient for adjusting matters than Free Conferences.

The Lords appoint a Committee of 12, to join with a Committee of the House of Commons, to consider circumstances in reference to the Trial of the Lords in the Tower.

The Commons Resolve upon a Bill "to disable the Duke of York to inherit the Imperial Crown of this Realm."

May 12. The Lords Order, "That the office of a High Steward upon Trials of Peers on Impeachments, is not necessary to the House of Peers, but the Lords may proceed, if a High Steward be not appointed, according to their humble desire."

May 13. The Lords Resolve, that the Lords Spiritual have a Right to stay in the Court in Capital Cases, till the Court proceed to vote Guilty or not Guilty.

May 15. The Commons Resolve, that all the Inhabitants paying Scot and Lot only, have Right of Election for the Borough of Alborough.

May 16. Report is made in the Lords, on Bishops being present at the Trials of Impeached Lords.

May 17. The Commons desire that the Bishops may not be present.

May 21. The Bill for disabling the Duke of York is Committed in the Commons, by 207 against 128.

May 22. Report is made in the Lords of Precedents on Trials of Impeached Lords and (23) in the Commons. (d)

May 27. The Commons Resolve, that all the Inhabitants of the Borough of Bewdley have not a Right to vote, but only Capital and particular Burgesses.

The King passes the HABEAS CORPUS ACT, and 2 others; and "because to his grief he saw there were such differences between the two Houses, that he is afraid very ill effects will come of it," he PROROGUES the Parliament to the 14th August. (e)

July 12. A Proclamation is published for Dissolving this Parliament, and calling a new one for Tuesday, the 7th of October next.

October 17. (Friday.) The Fourth Parliament meets.

Writs are issued for *this day*, to the Duke of York and Albany, Rupert, Duke of Cumberland, H. Finch, Lord Chancellor, Earl of Anglesey, Keeper of the Privy Seal, Dukes of Norfolk, Bucks,

(d) In the Commons a Debate is continued on money paid to Members. It appears that the late Speaker, Mr. Seymour, his fortune not being sufficient for the Service, had been paid money, first out of the Exchequer, then out of Secret Service Money.

May 26. See also Report of a Conference on Precedents of Impeachments.

(e) Divisions in March were none. In April, 189-153; 192-168; 192-152; 89-71; 116-78; 191-131; 99-94. In May, 183-151; 172-149; 207-128; 199-92. The Lords allow Privilege, (March 18) against a Presentment for Recusancy; (March 26) on Arrest of Tenants; (April 4) on a Manor entered, and fences broken down; (May 2) against Summons of Servants; (May 3) on a Tenant turned out of a Mill. The Commons, (April 2) on dstraint of Coach and Horses; (May 23) on a way stopped up.

Albemarle, Monmouth, General of Armies, Newcastle, 3 Mar- 1679.
quisses, Earl of Lindsey, Great Chamberlain of England, Earl A. R.
of Brecon, Steward of Household, Earl of Arlington, Chamber- 31
lain of Household, 58 Earls, (including Earl of Shaftesbury,
President of Council) 7 Viscounts, 54 Barons, (Chevaliers.)

October 17. (Friday.) The Parliament is PROROGUED, by
Commission, to the 26th Jan., 1680.

January 26. (Monday.) The King is Present, and PROROGUES 1680.
the Parliament to the 15th of April. A. R. 31

April 15. The Parliament is again PROROGUED, by Com- A. R. 32
mission, to the 17th of May.

May 17. (Monday.) A Fourth PROROGATION takes place to
the 1st of July.

Thomas, Lord Crewe, brings his Writ of Summons, 24 Jan.,
31 Car. 2, on the death of his Father, John, Lord Crewe.

July 1. (Thursday.) A Fifth PROROGATION is ordered to the
22nd of July.

July 22. (Thursday.) A Sixth PROROGATION is ordered to
the 23rd of August.

August 23. (Monday.) The Parliament is, a seventh time,
PROROGUED to the 21st of October.

October 21. (Thursday.) The Parliament meets, and the
King addresses the Houses.

George, Lord Hallyfax is introduced, on Patent, 16 July,
31 Car. 2, and is placed at the lower end of the Earls' Bench.

Charles, Earl of Macclesfield, by Patent, 21 July, 31 Car. 2,
is placed below Lord Hallyfax.

John, Earl of Radnor, by Patent, 23 July, 31 Car. 2, is placed
below the Earl of Macclesfield.

Edward, Earl of Conway, by Patent, 3 Dec., 31 Car. 2, is
placed below the Earl of Radnor.

Charles, Earl of Shrewsbury, first sits on the death of his
Father, by Writ, 19 Oct., 32 Car. 2.

Richard, Earl of Thanet, first sits, on Descent, by Writ,
11 Oct., 32 Car. 2.

Thomas, Lord Willoughby of Parham, first sits, upon Descent.
Oct. 22. William Williams, Esq., is presented as Speaker.

Lord Berkeley is introduced as Earl of Berkeley, by Patent,
11 Sept., 31 Car. 2, and is placed above the Earl of Conway.

Lord Deincourt, (Son to the Earl of Scarsdale,) brings in his
Writ of 22 Oct., 32 Car. 2, and is placed next Lord Grey de
Warke.

Oct. 26. Many Election Petitions are brought into the Com-
mons.

Ordered. New Writs for Dorchester, in place of Francis
Holles called up, and of others deceased.

Oct. 27. The Commons Resolve, nem. con., "It is, and ever
hath been, the undoubted Right of the Subjects of England to
petition the King for the Calling and Sitting of Parliaments, and
for redressing all Grievances."

Resolved, nem. con., "That to traduce such Petitioning as a
violation of Duty, and to represent it to his Majesty as tumultu-
ous and seditious, is to betray the Liberty of the Subject, and
contributes to the design of subverting the ancient, legal Consti-
tution of this Kingdom, and introducing Arbitrary Power."

Resolved. A Committee to inquire of all such Persons as have
offended against these Rights of the Subject.

Oct. 28. The Commons Resolve, that Sir Robert Cann be ex-

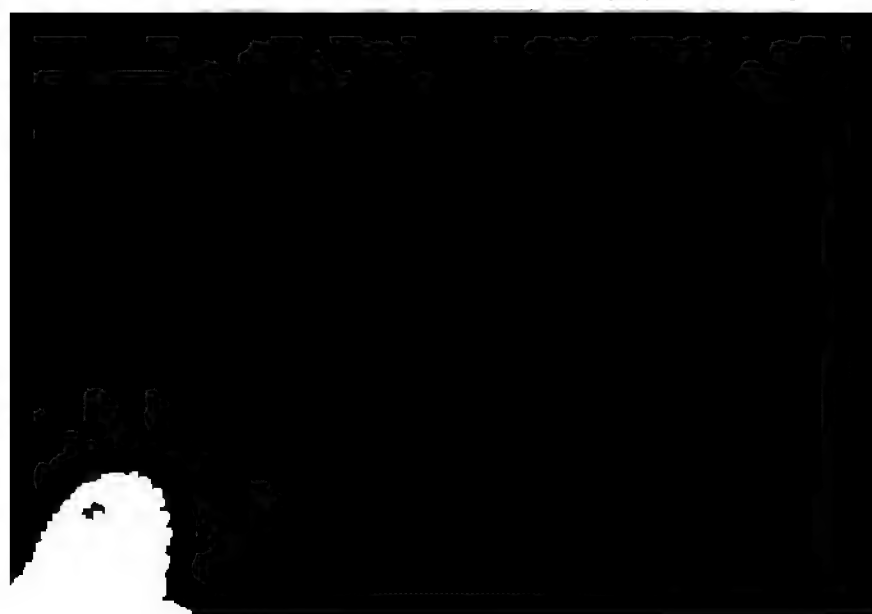
1. The first part of the document is a letter from the President of the United States to the Congress, dated January 3, 1862. It is a very long letter, and it contains a great deal of information about the state of the country at that time. The President talks about the war with Mexico, and about the situation in the South. He also talks about the economy, and about the need for reform. The letter is written in a very formal style, and it is full of references to the Constitution and to the laws of the country.

2. The second part of the document is a report from the Secretary of the Treasury, dated January 10, 1862. It is a very long report, and it contains a great deal of information about the state of the Treasury at that time. The Secretary talks about the revenue, and about the expenses. He also talks about the debt, and about the need for reform. The report is written in a very formal style, and it is full of references to the Constitution and to the laws of the country.

3. The third part of the document is a report from the Secretary of the Interior, dated January 17, 1862. It is a very long report, and it contains a great deal of information about the state of the Interior at that time. The Secretary talks about the land, and about the minerals. He also talks about the Indians, and about the need for reform. The report is written in a very formal style, and it is full of references to the Constitution and to the laws of the country.

4. The fourth part of the document is a report from the Secretary of the War, dated January 24, 1862. It is a very long report, and it contains a great deal of information about the state of the War at that time. The Secretary talks about the army, and about the navy. He also talks about the militia, and about the need for reform. The report is written in a very formal style, and it is full of references to the Constitution and to the laws of the country.

5. The fifth part of the document is a report from the Secretary of the Navy, dated January 31, 1862. It is a very long report, and it contains a great deal of information about the state of the Navy at that time. The Secretary talks about the ships, and about the crew. He also talks about the equipment, and about the need for reform. The report is written in a very formal style, and it is full of references to the Constitution and to the laws of the country.



The *Commons Resolve*, That the King's Menial Servants not having proper Houses of their own within the City of Westminster, have not Right of Voices in Elections. 1680.

Nov. 17. The *Lords Resolve* to meet at 9, and Lords coming after Prayers to pay 1s.

The *Commons Resolve*, (219 against 95) "An Address to remove George, Earl of Hallifax, from His Majesty's Presence and Counsels."

Nov. 23. The *Lords Resolve*, That Privilege of Parliament does not extend to exempt Lords' Servants, Housekeepers, from being Parish Officers.

The *Commons Resolve*, nem. con., A Committee to examine the Proceedings of the Judges.

Nov. 25. The Lords reject the Petition of James Percy, claiming the Title of Earl of Northumberland.

Nov. 26. Francis, Lord Holles, first sits, on decease of his Father, Denzell, Lord Holles.

Report is made on the method of Lord Stafford's Trial.

The *Commons* appoint a Committee to search Precedents touching the bringing of Messages from the Lords' House.

Resolved, The Election for the Borough of Monmouth doth not belong to the Burgesses, Inhabitants of the Borough only; but the Burgesses, Inhabitants of the Boroughs Newport and Uske, have a Right to vote also.

Ordered. S. Gibbs, late Mayor of Westbury, to be sent for, for great misdemeanors in the Election and Return.

An Act passes for the Repeal of 35 Eliz.

Resolved. Edward Seymour, Esq., a Member, and one of His Majesty's most Honourable Privy Council, to be impeached. Articles are exhibited, Dec. 21.

Nov. 29. The Bishops declare they will not attend the Trial in Westminster Hall; with a Protestation.

In the *Commons*, Report is made of a Conference for adjusting the Trials of the Lords in the Tower.

Nov. 30. Lord Chancellor Finch is appointed Lord High Steward, by the King's Commission.

December 7. (Tuesday) The *Commons* demanding Judgment against Lord Viscount Stafford, Judgment of Death is pronounced by the Lord High Steward.

Dec. 8. The *Commons Order* a Committee to examine the Abuses and Misdemeanors relating to Elections in the Borough and Corporation of Eye.

Dec. 11. The *Commons Resolve*, That in the Borough of Agmondesham, those Inhabitants only, who pay Scot and Lot, have Right to vote.

Dec. 14. The *Commons Order* that Sir Robert Peyton, expelled this House for Secret Negotiation with the Duke of York, be censured.

Dec. 15. The *Commons Resolve* upon a Bill, "to banish immediately all considerable Papists out of His Majesty's Dominions."

Dec. 17. They *Resolve* to bring in a Bill for the more effectual securing the Meeting and Sitting of frequent Parliaments.

Resolved, A Bill, that the Judges may hold their Places "quamdiu se bene gesserint."

Dec. 20. The late Mayor and two Sheriffs of the City of Bristol having imposed an Oath upon the Electors before they gave their voices, "You shall swear, you are a Freeman, and

1680.

A. N.
32

have not given your Voice already," are censured for the Misdemeanor.

Dec. 21 The *Commons Resolve*, that in the Borough of Great Marlow, those Inhabitants only who pay Scot and Lot, have Right to give Voices.

Dec. 30. The *Commons Resolve*, that all Proceedings, &c., shall be produced as to the Members of the Long Parliament, who received Allowances out of Monies appointed for Secret Service.

Resolved, nem. con. "That no Member of this House shall accept of any Office or Place of Profit from the Crown, without Leave of this House, or any Promise of such Office, &c., during the time he shall continue a Member, and that all Offenders be expelled." (g)

1681.

A. N.
32

January 3. (Monday.) The *Lords Order*, that a Libel, "A Speech made lately by a Noble Peer of the Realm," be burnt, &c.

Jan. 4. *Resolved* by the Lords Spiritual and Temporal, &c., that there now is, and for divers years past hath been, a Treasonable Plot and Conspiracy contrived and carried on by those of the Popish Religion in Ireland, for massacring the English, and subverting the Protestant Religion, and ancient established Government of that Kingdom.

Jan. 5. The *Commons* send up Articles against Sir W. Scroggs, Knight, Lord Chief Justice; and *Resolve* to Impeach Richard Pore, Earl of Tyrone.

Jan. 7. The King, by Message, *refuses to pass a Bill of Exclusion.*

The *Commons Resolve* on an Address to remove the Earl of Hallifax, Laurence Hyde, esq., H., Marquis of Worcester, H., Earl of Clarendon, Lewis, Earl of Feversham, from His Majesty's Counsels, &c.

Jan. 10. *Ordered.* An Address to restore James, Duke of Monmouth.

The King is present, and, by the Lord Chancellor, *prorogues* the Parliament to the 20th of January.

Jan. 18. The Parliament is *Dissolved* by Proclamation, and a new one is called to meet at Oxford on the 21st March.

A. N.
33

March 21. (Monday.) The *Fifth* Parliament meets at Oxford. The Lords in the Gallery of the Public Schools; the Commons in the Convocation House.

Writs are issued to James, Duke of York and Albany, Rupert, Duke of Cumberland, H. Finch, Lord Chancellor, Earl of Radnor, President of Council, Earl of Anglesey, Keeper of the Privy Seal, to 5 Dukes, 2 Marquisses, 60 Earls, 6 Viscounts, 51 Barons, Chevaliers.

John, Lord Coventry de Alseborough, first sits on the death of his Father, Thomas, Lord Coventry.

(g) Divisions in *October* were none. In *November*, 140-67: 104-100; 213-101; 131-85; 151-117. In *December*, 81-59; 83-19. The Members were never so unanimous.

The whole time of the Houses is occupied on the Plot.

Cases of Privilege in the *Lords* were, (Nov. 3) on an Agent compelled to serve as a Constable; (Dec. 10) on Horses seized; (Dec. 21) against a Prosecution to Outlawry of a Groom of His Majesty's Privy Chamber. In the *Commons*, (Nov. 13) against a Libel.

From Jan. 10 to March 21 the Commons' Journals have no Entries.

A Division in January was 87-42.

Edward Noell de Titchfield, created a Baron, is introduced on Patent, 3. Feb., 33 Car. 2, and Writ, 17 Feb. ditto. He is placed at the lower end of the Barons' Bench. 1681. A. R. 33

The King and Lord Chancellor address the Houses. William Williams, esq., is chosen Speaker.

March 23. Receivers and Tryers of Petitions are (according to ancient custom) entered in the French Language.

In the *Commons* the usual Oaths are taken, and Declarations made.

Many Election Petitions are presented, and the Committees chosen.

March 25. The *Commons Resolve*, "It being represented to this House by several Members that many Counties, Cities, and Boroughs, have freely and without Charge, elected many of the Members in this present Parliament, according to the Ancient Constitution of Election of Members to serve in Parliament, this House doth give their thanks to such Counties, Cities, and Boroughs, for the said Election."

Resolved, Edward Fitz Harris to be Impeached.

March 26. The *Commons Resolve* upon a humble Address to His Majesty, that the Theatre at Oxford is a more convenient Place for their sitting.

The *Lords* Refuse to proceed upon Impeachment against Edward Fitz Harris, and direct that he be proceeded against at Common Law.

The *Commons Resolve*, thereupon, "That for any Inferior Court to proceed against any one lying under Impeachment in Parliament for the same Crimes, is a high breach of Privilege."

March 28. The *Commons Order* the Bill for excluding James, Duke of York, to be read a third time To-morrow.

The King attends in the House of Lords, and commands the Lord Chancellor to *Dissolve* the Parliament. "As we are not likely to have a good end, when the Divisions at the beginning are such."

JAMES II.

(6 February, 1685.)

May 19. (*Tuesday*.) The First Parliament meets. 1685.

Writs are issued to Francis North de Guilford, Chevalier, Keeper of the Great Seal, Laurence, Earl of Rochester, Chief Treasurer, George, Marquis of Hallyfax, President of the Council, Henry, Earl of Clarendon, Keeper of the Privy Seal, Henry, Duke of Norfolk, Earl Marshall, James, Duke of Ormond, Lord Steward, and to 11 Dukes, the Marquis of Winchester, Earl of Lyndsey, Great Chamberlain of England, Earl of Arlington, Chamberlain of the Household, to 62 Earls, 8 Viscounts, 65 Barons, Chevaliers. A. R. 1

There are *Present* the King, 2 Archbishops, 16 Bishops, the Keeper of the Great Seal, Lord High Treasurer, President of the Council, Lord Keeper of the Privy Seal, Earl Marshall, Lord Steward, Dukes of Somerset, Albemarle, Newcastle, Beaufort, the Lord High Chancellor, Earls of Oxon, Shrewsbury, Kent, Derby, Rutland, Huntingdon, Bedford, Pembroke

1685.

A. D.

1

and Montgomery, Dorset, Exon, Bridgwater, Leicester, Devon, Denbigh, Clare, Westmoreland, Manchester, Berks, Mulgrave, Rivers, Stamford, Winchilsea, Kingston, Carnarvon, Chesterfield, Strafford, Sunderland, Thannet, Scarsdale, Bath, Carlisle, Craven, Ailsbury, Burlington, Shaftsbury, Litchfield, Surrey, Feversham, Macclefield, Radnor, Yarmouth, Berkeley, Nottingham, Abingdon, Gainsborough, Plymouth; Viscounts Fauconberg, Newport, Townsend, Weymouth, Hatton; Lords La Warr, Morley and Mounteagle, Ferrers, Grey, Coniers, Cromwell, Eure, Wharton, Willoughby, Paggett, Howard of Effingham, North, Lovelace, Coventry, Howard de Escrick, Leigh, Jermin, Byron, Colepeper, Astley, Lucas, Lexington, Berkeley, Holles, Cornwallis, Delamer, Crewe, Arundell de Trerice, Butler de Moore Parke, Butler de Weston, Lumley, Ossulstone, Dartmouth, Stawell, Jeffries.

Sir Francis North, Knight, Lord Keeper of the Great Seal created Baron Guilford, by Patent, 27 Sept., 35 Car. 2., and Writ, 15 Feb., 1 Jac. 2, is placed on the Barons' Bench, and then, as Lord Keeper, at the upper end of the Earls, and then on the Woolsack, as Speaker of the House.

Laurance, Earl of Rochester, is introduced, on Patent, 29 Nov., 34 Car. 2, and by Writ, 20 Feb., 1 Jac. 2, and is placed at the lower end of the Earls' Bench.

George, Marquis of Hallyfax, by Patent, 17 Aug., 34 Car. 2, and Writ, 20 Feb., 1 Jac. 2, is placed in his due Place.

James, Duke of Ormond, is introduced on his Original Patent, 9 Nov., 34 Car. 2, and by Writ, 15 Feb., 1 Jac. 2, and is placed according to his Creation.

Henry, Duke of Beaufort, is introduced on Patent, 2 Dec., 34 Car. 2, and Writ, 14 Feb., 1 Jac. 2., and is placed according to his Creation.

Edmund Henry Lee, Earl of Litchfield, by Patent, 5 June, 26 Car. 2., and Writ, 14 Feb., 1 Jac. 2, takes his due Place on the Earls' Bench.

Danyell, Earl of Nottingham, is introduced. His Father, created Earl of Nottingham in the Interval of the last Parliament, and this, never sat in Parliament on this Creation. Patent, 12 May, 34 Car. 2. Writ, 15 Feb., 1 Jac. 2. He takes his due Place on the Earls' Bench.

James, Earl of Abingdon, is introduced on his Patent, 30 Nov. 34 Car. 2., and Writ 15 Feb., 1 Jac. 2, and is placed in his due Place on the Earls' Bench.

Edward, Earl of Gaynesborough, is assigned his due Place on the Earls' Bench, according to his Patent, 1 Dec., 34 Car. 2, and Writ of 15 Feb., 1 Jac. 2.

Thomas, Earl of Plymouth, is placed according to his Patent, 6 Dec., 34 Car. 2, his Writ bearing date 15 Feb., 1 Jac. 2.

Horatio, Viscount Townsend, is placed in his due Place. Patent, 2 Dec., 34 Car. 2.

Thomas, Viscount Weymouth, is placed in his due Place, according to his Patent, Dec. 11, 34 Car. 2, having been called by Writ, 14 Feb., 1 Jac. 2.

Christopher, Viscount Hatton, is introduced and placed in his due Place; his Patent bearing date 17 Jan., 34 Car. 2, and Writ, 14 Feb. 1 Jac. 2.

Richard, Baron Lumley, is duly placed on the Barons' Bench; his Patent bearing date 31 May, 34 Car. 2, and his Writ being 14 Feb., 1 Jac. 2.

John, Lord Osulstone, is introduced on his Patent, 4 Nov., 1685
34 Car. 2, and by Writ, 15 Feb., 1 Jac. 2.

George, Lord Dartmouth, is introduced and placed in his due
Place; his Patent bearing date 2 Dec., 34 Car. 2, and Writ, 15
Feb., 1 Jac. 2.

Ralph, Lord Stawell, is placed in his due place, on his Patent,
15 Jan., 34 Car. 2, and by Writ, 15 Feb., 1 Jac. 2.

Sidney, Lord Godolphin, is duly placed, according to his
Patent, 8 Sept., 36 Car. 2; his Writ bearing date 1 Jac. 2.

John, Lord Churchill, is introduced by Writ, 14 May, 1 Jac.
2, and on Patent, 14 May, 1 Jac. 2.

George, Lord Jeffries, is duly placed; his Patent bearing date
15 May, 1 Jac. 2, and his Writ being of the same date.

The Lords take the Oaths.

The Earl of Danby and the Popish Lords impeached, make
their appearance and petition the Lords, having been Prisoners
several years.

Charles, Earl of Manchester, first sits by Writ, 14 Feb., 1
Jac. 2, on the death of his Father, Robert, Earl of Manchester.

John, Lord Berkeley of Stratton, first sits by Writ, (14 Feb.)
on the death of Lord Berkeley, his Brother.

Henry, Lord Delamer, (the same) on the death of George,
Lord Delamer, his Father.

Thomas, Lord Jermyn, (the same) on the death of his Uncle,
Henry, Lord Jermyn, Earl of St. Albans.

James, Duke of Ormond, administers the Oaths to the Com-
mons, at Seven A.M.

The Right Hon. Charles Earl of Middleton, one of His
Majesty's principal Secretaries of State, proposes that Sir John
Trevor, Knight, shall be Speaker, and he is unanimously elected;
and afterwards approved by the King.

The Members for England and Wales are 512.

May 22. The Lords Order, that no Lord under 21 shall sit
in the House.

Resolved. The Order of 19 March, 1679, as to Impeachments,
shall be reversed and annulled. The Earl of Radnor Dissents.

The King, having addressed the Houses, the Commons Resolve,
nem. con., "That their most humble and hearty thanks be given
to His Majesty."

May 23. The Commons Resolve, that "This House will stand
by and assist His Majesty with their Lives and Fortunes, against
Archibald Campbell, the pretended Earl of Argyle, and his ad-
herents, and against all Rebels and Traitors."

May 25. The Lords Order the Indictments against the Peers
to be discharged.

The Commons Order a Bill to settle on the King, for Life, the
same Revenues as those of his late Majesty.

May 26. The Lords' House is called. Present, 112 Peers.
Absent, 66. (Inf. Æt. 15.)

Ordered. A Master in Chancery refusing to take a Peer's
Answer upon his Honour, without laying a Bible before him, is
guilty of a Breach of Privilege.

The Commons Order, that no Private Bill shall be brought in
but upon Petition first presented, truly stating the case, and
signed by the Parties, Sureties for such Bill.

May 27. A Report made in the Commons from the Grand
Committee on Religion, recommending an Address to His

1685.

A. M.

1

Majesty to publish a Proclamation for putting in execution the Laws against Dissenters, is *Negatived*.

Resolved, nem. con., "This House doth acquiesce, entirely rely, and rest wholly satisfied in his Majesty's gracious word, and repeated Declaration to support and defend the Religion of the Church of England, as by Law established, which is dearer to us than our Lives."

June 2. (Tuesday.) The *Commons Resolve*, that no Mayor can duly return himself a Burgess to serve in Parliament for a Borough of which he is Mayor at the time of Election.

Resolved. No Mayor, Bailiff, or other Officer of a Borough, who is the proper Officer to whom the Precept ought to be directed, is capable of being elected to serve in Parliament for the same Borough.

June 4. The Lords pass a Bill reversing Lord Viscount Stafford's Attainder. Five Lords Dissent.

June 10. The *Commons Resolve*, that the Right of Election for the Borough of Cricklade, is in the Freeholders, Copyholders and Leaseholders for three years.

Resolved. The Election for the Shire Town of Montgomery doth not belong to the Burgesses of Montgomery only. The Burgesses of the several Boroughs of Llanidloes, Poole and Llanvilling in the County of Montgomery, have a Right to vote in the Election of Burgesses to serve for Montgomery.

June 13. The King informs the Houses that the Duke of Monmouth is landed at Lyme. An Address of Thanks is voted to His Majesty.

The *Commons Resolve*, nem. con., "This House will stand by and assist His Majesty, with Life and Fortune, against the said Duke."

June 15. The *Commons Resolve*, nem. con., that a Bill (brought in June 13) "for the Attainder of the Duke of Monmouth of High Treason, and for the preservation of His Majesty's Person," do pass.

June 17. The *Commons Resolve*, that the Right of Election for the Borough of Thetford is in the Mayor, in the Burgesses, which are ten, and in the *Commonalty* or Common Council, which are 21, amounting in the whole to 31.

June 22. Information is brought, "That the Grand Rebel, Argyle, is taken."

June 23. Report is made in the *Lords* concerning the Title of the Earl of Banbury.

June 27. The King gives Assent to 12 Public and 7 Private Bills.

June 30. The *Lords Order* that in all Commissions issued out of Chancery for taking the Answers of Peers, the words for the future be left out, "Visis Sacrosanctis Dei Evangeliiis."

July 2. (Thursday.) The King Assents to 3 Public and 2 Private Acts, and both Houses *adjourn* to the 4th of August, by His Majesty's pleasure, "who does not intend there shall be a Session till Winter."

August 4. (Tuesday.) The Lord Treasurer *adjourns* the Parliament to the 9th of November, according to His Majesty's pleasure.

November 9. (Monday.) Henry, Duke of Grafton, is introduced, his Patent bearing date 11 Sept., 27 Car. 2, and his Writ, 7 Nov., 1 Jac. 2.

Resolved. The Lords, with White Staves, shall attend His Majesty to know the Reason why the Lord Delamer is absent from his attendance here. 1685; A. R. 1

The Earl of Aylisbury first sits, by Writ, 7 Nov., 1 Jac. 2, on the death of his Father, Robert, Earl of Aylisbury.

Charles, Earl of Radnor first sits, by Writ, 7 Nov., 1 Jac. 2, on the death of his Grandfather, John, Earl of Radnor.

Nov. 10. The King answers as to Lord Delamer, "Because he stands committed for High Treason, for levying War against the King, last Summer, testified on Oath, and His Majesty hath given directions that he be proceeded against with all speed, according to Law."

Nov. 11. The Earl of Stamford, a Prisoner in the Tower, petitions concerning an Indictment for Treason found against him.

The Lords Order that the Indictment be returned by Certiorari before the Lords.

Nov. 12. The Lords Resolve, that Privilege of Parliament ought not to be allowed to Peers in Cases wherein they are only Trustees.

Nov. 14. The Earl of Huntingdon and Mr. Greenville respectively wave their Privileges.

Many Officers of the Army having been employed, though not Qualified by the Act against Popish Recusants, the Commons Resolve, that a Bill shall be brought in to indemnify those Persons unqualified for the time past.

Nov. 16. The Lords' House is called. Present, 91. Absent, 83. (Infra Ætatem, 17; Proxies, 6).

On Question in the Commons, Whether the Concurrence of the Lords shall be desired in an Address to his Majesty, the Noes are 212, the Yeas, 138.

Nov. 17. The Lords Resolve, "That Lord de Grey is rightly summoned as Grey of Ruthin, being lineally descended from Reginald, Lord de Grey, who was summoned in Edward the Third's time, by the Title of Lord Grey of Ruthin."

An Order is made for the Earl of Stamford's Trial.

Nov. 18. The King answers the Commons, "That he did not expect such an Address, &c."

On the Motion to take into consideration his Majesty's Gracious Answer, John Cooke, Esq., stands up and says, "We are Englishmen, and ought not to be frightened out of our Duty by a few high Words." Upon which he is committed to the Tower.

Nov. 20. The King is present, (for the last time,) and prorogues the Parliament to the 10th of February. (h)

February 10. (Wednesday.) The Parliament is again PROROGUED to the 10th of May. 1686. A. R. 2

May 10. (Monday.) A Third PROROGATION is ordered to the 22nd of November.

James, Earl of Anglesey, first sits, by Writ, 8 May, 2 Jac. 2, on the death of his Father, Arthur, Earl of Anglesey.

November 22. (Monday.) The Parliament is PROROGUED, a fourth time, to the 15th of February.

(A) Cases of Privilege in the Lords were, (June 18) against a Libel; (June 19) against Scandal. In the Commons, no Cases of Privilege occur in the months of May, June, or November.

Divisions in May are, 263-55; 218-195. In June, 172-167; 224-66; 180-32; 156-114; 171-96; 137-128; 83-75. In November, 183-182; 212-138, the last Division that occurs. For Lists of the Commons, see Cobbett's Parl. Hist. iv. 1343

1687. *February 15. (Tuesday.)* A Fifth PROROGATION takes place
 A. R. to the 28th of April. (i)
 3 *April 28. (Thursday.)* The King commands a Sixth PROROGATION to the 22nd of November. (k)
July 2. The Parliament is DISSOLVED by Proclamation.

THE INTERREGNUM.

1688. *December 26. (Wednesday.)* The Assembly convened by his Royal Highness, William Henry, Prince of Orange, meets in the Commons' House, Westminster. Henry Powle, Esq., is called to the Chair, having on his left hand, Paul Jodrell, Esq., Clerk of the House of Commons, and Samuel Gillham, Esq., Assistant Clerk. About 160 are present.

On the Question being moved, "What authority they had to assemble?" it is agreed, "That the request of his Highness, the Prince, is a sufficient Warrant."

Resolved, nem. con., That thanks be given to his Highness for coming into this Kingdom.

Resolved, nem. con., That his Highness be desired to take upon him the Administration of Public Affairs, both Civil and Military, and the disposal of the Public Revenues, for the Preservation of Religion, Rights, Laws, Liberties, and the Peace of the Nation.

Resolved, nem. con., That his Highness be desired to take into his particular Care the present Condition of Ireland.

Resolved, nem. con., that his Highness be requested to undertake and execute the Matters aforesaid, till the Meeting of the intended Convention on the 22nd of January next.

Resolved, nem. con., that his Highness cause Letters to be written subscribed by Himself, to the Lords Spiritual and Temporal, being Protestants, and to the several Counties, Universities, Cities, Boroughs, Cinque Ports of England, Wales, and the Town of Berwick on Tweed, for a Convention to meet on the said 22nd of January.

(i) 1687, *April 4.* The King publishes a Declaration, "He heartily wishes all his subjects were members of the Catholic Church, but promises them protection in their own Religion, and perfect enjoyment in their Property."

1688, *Aug. 24.* The King declares in Council his intention to call a Parliament on the 27th Nov., and the Chancellor had orders to issue Writs on the 5th September, but they were never sent. He again, in December, promises to call a Free Parliament, to meet on the 15th January next ensuing, but on the 10th December recalls the Writs which had been issued, and orders the Great Seal to be thrown into the Thames. He finally leaves England on the 23rd December.

(k) The Ninth Volume of the Commons' Journals ends on the 28th April. The Tenth commences with the Declaration of the most illustrious Prince, William Henry, Prince of Orange, of Reasons which induce him to appear in Arms in the Kingdom of England. He lands at Torbay, Nov. 5, 1688, and arrives in London on Tuesday, 17th December. Dec. 21, about 60 Peers, Spiritual and Temporal, meet the Prince at a Council at St. James's. On the 23rd, about 90 Peers meet at Westminster, and address the Prince, who issues an Order for all such Persons as have served as Knights, Citizens, and Burgesses, in any of the Parliaments, during the Reign of the late King Charles II. to meet him at St. James's, on Wednesday, the 26th of December, and that the Mayors and Aldermen, and 50 of the Common Council of the City of London, be present at the same time.

Being met, His Highness asks advice as to the best method of calling a Free Parliament.

The Assembly then removes to the Commons' House at Westminster.

The Lords' Journals have no Entries till the 22nd Jan., 1689.

An "Association" for Defence of the Protestant Religion, and for maintaining the Ancient Government, &c., is read. 1688.

Resolved, The Time of Notice for electing Members for Counties shall be Five Days, and for Cities, &c., Three Days.

Dec. 28. P. M. His Highness attends at St. James', and in Answer to the Address, "Will endeavour to secure the Peace of the Nation, until the Meeting of the Convention in January."

The Assembly rises without appointing any further Meeting.

Letters are issued for Electing Members for the Convention.

January 22. (Tuesday.) The Convention meets. 1689.

Whereas divers of the Lords Spiritual and Temporal, and of the Knights, Citizens, and Burgesses, Members of the Parliaments of King Charles II., and Aldermen of the Common Council of the City of London, in their late Assembly at Westminster, have desired his Highness, William Henry, Prince of Orange, to cause his Highness's Letters to be written to the Lords Spiritual and Temporal of this Kingdom, being Protestants; and to the Counties, Cities, Boroughs and Places, that of right ought to choose and send Members to Parliament, so as their Lordships and the Persons so to be elected may meet and sit at Westminster, on the 22nd day of January, 1688, to consider of the great and weighty affairs of the Nation; and whereas his Highness hath, pursuant thereunto, writ, and sent such his Letters to the Lords Spiritual and Temporal, and to the Places that of right ought to send Members to Parliament: the Lords Spiritual and Temporal whose names are hereunder written have accordingly this day met in Convention in the House of Peers, at Westminster. Archbishop of York, Bishops, London, Winton, Ely, Landalf, Lyncolne, St. Asaph, Gloucester, Rochester, Bath and Wells, Norwich, Peterborough, Bristol, Chichester, St. Davids, Oxon; Duke of Norfolk (Earl Marshall); *Dukes*, Ormond, Beauford, Northumberland; *Marquisses*, Winchester, Hallyfax, Lord Great Chamberlain; *Earls* of Oxon, Shrewsbury, Kent, Derby, Rutland, Huntingdon, Bedford, Pembroke, Dorset, Exon, Bridgewater, Northton, Devon, Bristol, Westmorland, Manchester, Mulgrave, Rivers, Stamford, Winchelsea, Kingston, Carnarvon, Chesterfield, Thanet, Scarsdale, Clarendon, Craven, Aylisbury, Burlington, Litchfield, Danby, Sussex, Feversham, Macclesfield, Yarmouth, Berkeley, Nottingham, Rochester, Abindon; *Viscounts* Fauconberg, Mordant, Newport, Weymouth, Hatton; *Lords* Delawar, Ferrers, De Grey of Ruthin, Eure, Wharton, Paget, North, Chandos, Mountague, Grey de Wark, Lovelace, Maynard, Herbert de Cherbury, Jermin, Vaughan, Ward, Asteley, Lucas, Berkeley, Cornwallis, Delamer, Crewe, Arundell de Trerise, Lumley, Carteret Ossulston, Dartmouth, Godolphin, Churchill, Griffin.

The Marquis of Hallyfax is appointed Speaker of the Lords, pro tempore, and presents a Letter from his Highness the Prince of Orange.

The Commons meet in the Commons' House. Henry Powle, Esq., is chosen Speaker, Paul Jodrell, Esq., Clerk of the House, Samuel Guillym, Esq., Clerk Assistant, and John Topham, Esq., Serjeant at Arms. The Commons consist of 512 Members.

The Clerk of the Crown delivers the Book of Returns, and the Names are called.

Both Houses vote an Address of Thanks to the Prince.

Jan. 23. The Commons debate on the Subject of Vacancies in

1689.

their House. It is said, "There has not been a better Election a great while, without force of the Lord Lieutenants. But whole Counties have as yet no Members." "It is the Order of the House on a Vacancy to send Letters. The Proper Officer has no Seal, and cannot execute your Order. Make a general Rule for filling up such Vacancies, that, upon such a Motion, application may be made to the Prince, for his Letter to fill up that Vacancy."

"There never was a Letter sent to the Chancellor for a Writ to fill up a Vacancy, but by a Warrant from the Speaker of the Commons. The easiest way is by Warrant or Order from you, and not to trouble the Prince."

"A Warrant from this House has always been obeyed by the Lord Keeper, or Chancellor, as sufficient Authority for a Writ. You are here as a Convention, which is a Resemblance of Parliament. The King, before he calls a Parliament, sends his Writ to choose Members. After you have sat here, then your Precept. You may send your Letter or Warrant to the Coroner."

The *Speaker*. "Anciently, you sent to the Lord Keeper or Chancellor to issue out his Writ. There was a great Controversy (1672) about my Lord Chancellor, Shaftesbury, sending out Writs to fill Vacancies, on his Motion, before he had notice from this House."

They *Resolve*, "Where Vacancies have happened, or shall happen, by death or removal of any Members, or double Returns, Mr. Speaker do, upon Motion to this House, by his Letter, make application to his Highness, desiring him to issue out his Letter, directed to the respective Coroner, or Coroners, or Chief Magistrates, as formerly, for supplying such Vacancies."

Jan. 25. The Lords' House is called. *Present*, the Archbishop of York, 15 Bishops, 6 Dukes, 2 Marquisses, the Lord Great Chamberlain, 40 Earls, 3 Viscounts, 31 Barons. *Absent*, 31 Barons, (5 Inf. Æt., 2 Extra Regnum, 1 in Tower, 2 Sick, 6 Absent); 5 Bishops, (1 Extra Regnum, 2 Sick, 1 Aged, 1 Absent); 3 Viscounts, (1 Inf. Æt., 1 Sick); 20 Earls, (4 Inf. Æt., 6 Sick, 3 Absent, 1 Extra Regnum, 1 Aged, 2 in Tower); 1 Marquis (Extra Regnum); 4 Dukes, (1 Inf. Æt., 1 Extra Regnum, 2 Absent); Archbishop of Canterbury.

Edward Griffin, Lord Griffin de Brabrook is introduced by Patent, 3 Dec., 4 Jac. 2, and is placed lowest on the Barons' Bench.

George Fitz Roy, Duke of Northumberland, is introduced by Patent, 6 April, 34 Car. 2, and is placed according to his creation.

Jan. 28. The Duke of Southton is introduced on his Patent, 10 Sept., 27 Car. 2, and is brought to his Place.

The *Commons Resolve*, that King James 2 has abdicated the Government, &c. &c., and that the Throne is vacant.

Jan. 29. The *Lords Negative* the Question, "Whether a Regency, with the Administration of Regal Power, under the Style of King James 2, during the Life of the said King James, be the best and safest way to preserve the Protestant Religion, and Laws of this Kingdom."

The *Houses Agree*, "That it has been found by experience to be inconsistent with the safety and welfare of the Protestant Religion to be governed by a Popish Prince."

The *Commons Order* a Committee to consider the General Heads of such things as are absolutely necessary for better securing our Religion, Laws, and Liberties.

Jan. 30. George, Lord Carteret, is introduced, and is placed 1689.
according to the date of his Patent, 19 Oct., 33 Car. 2.

The Lords amend the Commons' vote of Jan. 28, by the word
"deserted" instead of "abdicated," and do not agree that "*the
Throne is vacant.*" Thirty-six Lords Protest.

Feb. 6. After Conferences, the Lords agree to wave their
Amendments. Thirty-eight Peers Protest.

Resolved. "The Prince and Princess of Orange shall be
declared King and Queen of England, and all the Dominions
thereunto belonging."

Feb. 9. The Commons Resolve that the Right of Election to
serve in this present Convention for the Town and County of
Poole, is *not* in the Mayor, Burgesses and Commonalty of the
said Town and County, who pay Scot and Lot.

Feb. 12. A Declaration of the Lords Spiritual and Temporal
and Commons is agreed to, concerning the late King and for their
Highnesses, the Prince and Princess of Orange, to be King and
Queen. (1)

WILLIAM AND MARY.

(13 February, 1689.)

February 13. (Wednesday.) The Lords Spiritual and Tempo-
ral, attended by the Right Honourable the Marquis of Hallifax,
Speaker, and the Commons, attended by Henry Powle, Esq.,
Speaker of their House, wait on their Highnesses at Whitehall.

The "DECLARATION OF RIGHTS," as adopted by both Houses,
is read, and His Highness the Prince returns an Answer of
Acknowledgment and Acceptance.

The Solemnities of the Proclamation of their Highnesses then
take place.

(1) This "Declaration" for vindicating and asserting the Ancient Rights and Liber-
ties of the Subject, is very indefinite on the important subject of Parliaments. Article
8 says, "That Elections of Members of Parliament ought to be Free." Art. 9, "That
the Freedom of Speech, and Debates on Proceedings in Parliament, ought not to be
impeached or questioned in any Court or Place out of Parliament." Art. 13, "That for
Redress of all grievances, and for the amending, strengthening, and preserving of the
laws, Parliaments ought to be held frequently."

Divisions in the Commons in February were, 229-143; 282-151; 230-132; 185-94;
164-94; 145-121; 173-156.

For Lists of the Members of the Convention Parliament, see Cobbett's Parl.
Hist. v. 26.

CORRIGENDA ET NOTANDA.

TEXT.

- Page 40. Notes. *For si volunt, read se.*
52. 11 Edw. I. A Convocation. P. W.
53. 17 Edw. I. Summons to Barons of Cinque Ports. P. W.
54. 18 Edw. I. King's Full Parlt. all Nobles. P. W. I. 14.
56. 22 Edw. I. Colloquium et Tractatus, *not* Parliament.
60. 25 Edw. I. Colloquium, *not* Parliament.
- Aug. 1. St. Peter ad Vincula. P. W. I. 29, by Trivetius called a Parliament.
61. 26 Edw. I. May 25, called Colloquium.
62. 27 Edw. I. P. W. 41, call it first Monday in Lent, March 9, and use the term *Parliament*.
- Oct. 18. Called also Parliament.
64. 29 Edw. I. Jan. 20. The Writs de Exp. are tested Jan. 30, *not* 20.
69. 35 Edw. I. March 12. A Council, *not* Parliament.
70. 1 Edw. II. Oct. 13. It appears from the Rolls, that there was an adjournment of this meeting to the Morrow of the Epiphany, Jan. 7.
- April 28. The Writs and Rolls call this an adjourned meeting.
74. 5 Edw. II. From Nov. 5 to 12, the Peers were the only Members present.
75. 5 Edw. II. The Writs call the third Sunday in Lent, Feb. 27.
81. 9 Edw. II. Jan. 27 ends Feb. 20. See Prynn iv. 45, &c.
91. 19 Edw. II. Note 2. This Note is explained by the Table of the Duration of Parliaments. The Parliament could have sat twelve days only, as the Writs vary from 14 to 25. Prynn iv. 75.
92. 1 Edw. III. Sept. 15. Lasted twelve days, to Sept. 22-23. Prynn iv. 86.
93. 2 Edw. III. April 24. The Writs de Expensis are of 13 and 14 *May*. The Peers and others may have remained.
104. 11 Edw. III. March 3. Writs of Prynn, iv. 151, tested Sept. 12.
109. 13 Edw. III. Jan. 20. Prynn iv. 183, calls it A. N. 14.
111. 14 Edw. III. The Councils of Aug. 28 and 23 may be transposed, but are placed according to Writs of Summons; the first of date July 27, the second of Aug. 12. And the same remark applies to p. 114, 17 Edw. II., where the date of the Test for April 28 is Feb. 24, and for the previous Council (25) April 8.
118. *For first, read the First.*
120. *For Aug. 26, read 16.*
128. 36 Edward III. Oct. 13. Correct this duration by the Table. See Prynn iv. 254.
- Oct. 6, 37 Edward III. Some of the Commons were dismissed by Writs, Oct. 30, others, Nov. 8. Prynn iv. 255.
129. 38 Edw. III. 20 Jan. By the Rolls, the Commons are dismissed Feb. 18, but the Test of the Writ de Expensis is 28 Feb. Prynn iv. 257.
134. 50 Edw. III. Feb. 12. Prynn iv. 301, as well as Dugdale, by error, calls this the Feast of St. Gregory, instead of St. George. The Writs de Expensis, Prynn iv. 302, are tested 10 July, and the Rolls ii. 360, say the Parliament lasted ten weeks or more; so that the meeting of June 27, was a Prorogation.
149. 8 Ric. II. Nov. 12. The Summons is to Westminster.
164. 8 Hen. IV. The Rolls conclude this Parliament Dec. 22. The Writs in Prynn iv. 477, are tested Dec. 12.
179. 1 Hen. V. May 14. The Rolls and Writs call this day May 15. See Prynn iv. 497.
183. Prynn's account of these Adjournments, iv. 526, very much differs from the Rolls. His times of the sitting of the Parliament are as follows:—
- Feb. 23.....March 18.
- April 19July 2.
- Oct. 20Nov. 22.
- Feb. 11-14.
- But Prynn gives no authority but the Rolls, 23 Hen. VI., num. 20, 23, 24, and Exact Abridgment, p. 643, 50, 51.
216. Correct the dates—
- | | | |
|----------|-------|-----------|
| A. R. 5. | 1563. | Oct. 2. |
| A. R. 6. | 1564. | Oct. 5. |
| A. R. 7. | 1565. | April 30. |
| A. R. 8. | 1566. | Feb. 7. |
| A. R. 9. | — | Nov. 25. |
228. To Nov. 22, prefix A. R. 9.
236. To Dec. 20, prefix A. R. 40.
- To Feb. 9, prefix 1598.
251. 3 Jac. Jan. 21. Insert "the Third Session of the First Parliament opens."
253. 4 Jac. Nov. 18. *For Third, read Fourth.*
256. 5 Jac. Distinguish the dates—
1608. Feb. 10.
- A. R. 6. Oct. 27.
257. 7 Jac. Feb. 9. *For Fourth, read Fifth.*
261. 8 Jac. Oct. 16. *For Fifth, read Sixth.*
263. *For Emunctories, read Emunctories.*
531. Note. *For Lord, read Lords.*

THE UNIVERSITY OF MICHIGAN

DATE DUE

MAR 09 1999
PITTS A 1 1999

UNIVERSITY OF MICHIGAN



3 9015 03958 9208

THE UNIVERSITY OF MICHIGAN LIBRARIES